

VOLUME 6

**DRAFT
ENVIRONMENTAL IMPACT STATEMENT**

GREGORY CANYON LANDFILL

SAN DIEGO COUNTY, CALIFORNIA

TECHNICAL APPENDICES H - L

December 2012



**US Army Corps
of Engineers®**

VOLUME 6

**DRAFT
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GREGORY CANYON LANDFILL

SAN DIEGO COUNTY, CALIFORNIA

TECHNICAL APPENDICES H - L

Prepared For:

**U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
6010 Hidden Valley Road, Suite 105
Carlsbad, California 92011**

Prepared By:

**PCR Services Corporation
201 Santa Monica Boulevard, Suite 500
Santa Monica, California 90401**

December 2012

DRAFT ENVIRONMENTAL IMPACT STATEMENT

GREGORY CANYON LANDFILL

San Diego County, California

APPENDIX H-CULTURAL RESOURCES

- Letter from D. J. Castanon, Chief, Regulatory Division, USACE, to M. W. Donaldson, California State Historic Preservation Officer, requesting comments on the appropriateness of a proposed Area of Potential Effects (APE) for preparing cultural resources documentation for the proposed Gregory Landfill Project. March 28, 2011.
 - Distribution list for fourteen form letters from D. J. Castanon, Chief, Regulatory Division, USACE, to Tribes in the region. March 28, 2011 and July 3, 2012.
 - Sample of fourteen form letters from D. J. Castanon, Chief, Regulatory Division, USACE, to Tribes in the region requesting comments on the appropriateness of a proposed APE for preparing cultural resources documentation for the proposed Gregory Landfill Project. March 28, 2011.
 - Letter from M. W. Donaldson, State Historic Preservation Officer, California, to D. J. Castanon, Chief, Regulatory Division, USACE, concurring with the APE proposed by USACE for preparing cultural resources documentation for the proposed Gregory Landfill Project. April 12, 2011.
 - Letter from S. C. Gaughen, Tribal Historic Preservation Officer (THPO), Pala Band of Mission Indians, to D. J. Castanon, Chief, Regulatory Division, USACE, and regarding "Gregory Canyon Landfill Project, File No. SPL-2010-00354-SDM, Cultural Resources of Importance within the Project APE." September 15, 2011.
 - Letter from A. Hoover, Cultural Analyst, Temecula Band of Luiseño Mission Indians, to D. J. Castanon, Chief, Regulatory Division, USACE, and regarding "Pechanga Tribe Comments on the Determination of the Gregory Canyon Area of Potential Effects as Required for a Section 404 Permit." May 24, 2011.
 - Letter from M. Lopez-Keifer, Tribal Legal Counsel, San Luis Rey Band of Mission Indians, to D. J. Castanon, Chief, Regulatory Division, USACE, and regarding "Comment Letter in the Section 106 National Historic Preservation Act Consultation Request for the Gregory Canyon Ltd. Landfill Project, County of San Diego, State of California (Corps File No. SPL-2010-00354-SDM)." August 31, 2011.
 - Letter from D. J. Castanon, Chief, Regulatory Division, USACE, to M. W. Donaldson, California State Historic Preservation Officer, requesting concurrence with proposed NRHP eligibility determinations for 41 cultural resources within the proposed Gregory Landfill Project APE. May 24, 2012.
 - Letter from M. W. Donaldson, State Historic Preservation Officer, California, to D. J. Castanon, Chief, Regulatory Division, USACE, regarding determinations of cultural resources NRHP eligibility and adverse effects for the proposed Gregory Landfill Project. September 9, 2012.
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DRAFT ENVIRONMENTAL IMPACT STATEMENT

GREGORY CANYON LANDFILL

San Diego County, California

- Sample of fourteen form letters from D. J. Castanon Chief, Regulatory Division, USACE, to Tribes in the region requesting comments on the appropriateness of proposed NRHP eligibility determinations for 41 cultural resources within the proposed Gregory Landfill Project APE. July 3, 2012.
 - Letter from R. Duro, Rincon Culture Committee Chair, Rincon Band of Luiseño Indians, to D. J. Castanon, Chief, Regulatory Division, USACE, and regarding "Gregory Canyon Landfill Project along the San Luis Rey River, San Diego County, California." August 1, 2012.
 - Letter from A. Hoover, Cultural Analyst, Temecula Band of Luiseño Mission Indians, to D. S. Dibble, Senior Archaeologist, Regulatory Division, USACE, and regarding "Pechanga Tribe Comments on the National Register of Historic Places Eligibility Determinations for the Gregory Mountain Landfill Project." August 13, 2012.
 - Letter from S. C. Gaughen, Tribal Historic Preservation Officer, Pala Band of Mission Indians, to D. J. Castanon, Chief, Regulatory Division, USACE, and regarding "Inventory and Determinations of National Register of Historic Places Eligibility, Gregory Canyon Landfill Project" August 30, 2012.
 - Letter from M. Lopez-Keifer, Tribal Legal Counsel, San Luis Rey Band of Mission Indians, to D. J. Castanon, Chief, Regulatory Division, USACE, and regarding "Tribal Comments Regarding the Corps of Engineers' Inventory and Determinations of National Register of Historic Places Eligibility and Effect for all Identified Resources within the Area of Potential Effects for the Gregory Canyon Landfill Project." August 31, 2012.
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APPENDIX H – CULTURAL RESOURCES – CONFIDENTIAL PORTION

Appendix H consists of two portions: a) a public portion, and b) a confidential portion.

Section 304 of the National Historic Preservation Act protects some information about historic resources from public disclosure. Specifically, it requires federal agencies, such as the United States Army Corps of Engineers, to “withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the agency and the Secretary of the Interior agree that disclosure may (1) cause a significant invasion of privacy, (2) risk harm to the historic resource, or (3) impede the use of a traditional religious site by practitioners.”

The public portion of Appendix H includes correspondence as listed on the Appendix H divider. The confidential portion of Appendix H includes technical reports as follows:

Baksh, Michael

2009 *National Register of Historic Places Registration Form for Gregory Mountain (Chokla)*. Prepared by Tierra Environmental Services, San Diego, California. Prepared for Pala Band of Mission Indians, Pala, California. Submitted to the State Historic Preservation Officer, Sacramento, California.

Baksh, Michael, and Jackson Underwood

1998 Technical Appendix O: Ethnohistory and Native American Consultation for the Proposed Gregory Canyon Landfill Project. In *Gregory Canyon Final Environmental Impact Report*. Prepared by PCR Services Corporation, Santa Monica, California. Prepared for San Diego County Department of Environmental Health, California.

Cook, John R., Sinéad Ní Ghabhláin, Sarah Stringer-Bowsher, Shannon Davis, Don Laylander, Jennifer Krintz, Scott Wolf, and Bead Comeau

2012 *Cultural Resources Assessment for the Gregory Canyon Landfill Project, Northern San Diego County, California*. Prepared by ASM Affiliates, Inc., Carlsbad, California. Prepared for U.S. Army Corps of Engineers, Los Angeles, California.

Laylander, Don, and Angie Pham

2012 *Preliminary Cultural Resources Assessment for Five Off-Site Alternatives to the Gregory Canyon Landfill Project, San Diego County, California*. Prepared by ASM Affiliates, Inc., Carlsbad, California. Prepared for U.S. Army Corps of Engineers, Los Angeles, California.

Parker, Patricia L., and Thomas F. King

1998 [1990] Guidelines for Evaluating and Documenting Traditional Cultural Properties. *National Register Bulletin 38*. National Register of Historic Places, National Park Service, Washington, D.C.

Shipek, Florence C., and C. Michael Elling

1990 *Ethnographic Study of Native American Resources for the proposed North County Landfill, San Diego County, California.* Prepared by The Butler/Roach Group, Inc., San Diego, California. Prepared for County of San Diego Department of Public Works and Bureau of Land Management California Desert District, Palm Springs-South Coast Resource Area.



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

March 28, 2011

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Division

Milford Wayne Donaldson
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, California 95816

Dear Mr. Donaldson:

The United States (U.S.) Army Corps of Engineers (Corps) Los Angeles District is preparing environmental and cultural resources documentation for the proposed Gregory Canyon Landfill Project, along the San Luis Rey River, San Diego County, California. This project requires a Department of the Army permit pursuant to Section 404 of the Clean Water Act (File No.SPL-2010-00354-SDM [Enclosure 1]) for the discharge of dredged or fill material into waters of the U.S. (i.e., the undertaking).

The proposed undertaking consists of the construction, operation, and closure of a Class III landfill. The landfill would have an approximately 30-year life with a maximum daily intake of 5,000 tons and an annual intake of one million tons. The landfill and the majority of the associated facilities would occupy approximately 308 acres located on an approximately 1,770-acre site located in northern San Diego County, approximately three miles east of Interstate 15. The site comprises 38 assessor's parcels and portions of Sections 4 and 5 of Township 10 South and Sections 32 and 33 of Township 9 South, Range 2 West of U.S. Geological Survey 7.5' Pala Quadrangle. A portion of Gregory Mountain is located on the site.

Based on the current proposed project description, we have delineated an Area of Potential Effects (APE) (Enclosures 2-4). The APE includes both direct and indirect effects that may occur from implementation of the undertaking. The enclosed APE map designates the "Area of Potential Effects (Direct)" as the project site which includes the areas proposed for ground-disturbing activities and areas of proposed open space within the ownership and control of Gregory Canyon Limited (the Applicant). The "Area of Potential Effects (Indirect)" includes

a reasonable and good-faith effort to capture the potential for visual, auditory, and other non-direct effects.

The Corps requested a Sacred Lands File search and a Native American contact list from the Native American Heritage Commission (NAHC) dated May 25, 2010. The NAHC responded by indicating that there are cultural resources within one mile of the APE (Enclosure 5). In addition to this information, we are and have been working with the Tribes on a regular basis to obtain their concerns. We will send this proposed APE map to the list of organizations and individuals provided by the NAHC for their review and comment. Additionally, we have enclosed copies of written comments received from the Tribes and other interested individuals received during the EIS scoping period - May 7, 2010 - June 18, 2010 (Enclosure 6).

By this letter the Corps requests your comments on the appropriateness of the APE for the proposed undertaking (pursuant to §800.4[a][1]).

Please review the enclosed information, and respond within thirty days of your receipt of this letter. If you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by e-mail at David.S.Dibble@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Castanon".

David J. Castanon
Chief, Regulatory Division

Enclosures

Distribution of USACE Consultation Letters to Tribes Regarding Eligibility 07-03-2012			
<i>Name</i>	<i>Title</i>	<i>Organization</i>	<i>Address</i>
Rob Roy	Environmental Director	La Jolla Band of Mission Indians	22000 Highway 76, Pauma Valley, CA 92060
Shasta C. Gaughen	Tribal Historic Preservation Officer	Pala Band of Mission Indians	35008 Pala Temecula Road, PMB 445, Pala, CA 92059
Christobal C. Devers	Chairperson	Pauma and Yuima Tribe	P.O. Box 369, Pauma Valley, CA 92061
Bennae Calac	Tribal Council Member	Pauma Valley Band of Luiseno Indians	P.O. Box 369, Pauma Valley, CA 92061
Mark Macarro	Chairperson	Pechanga Band of Mission Indians	P.O. Box 1477, Temecula, CA 92593
Paul Macarro		Pechanga Band of Mission Indians	P.O. Box 1477, Temecula, CA 92593
Bo Mazzetti	Chairperson	Rincon Band of Mission Indians	P.O. Box 68, Valley Center, CA 92082
Angela Veltrano		Rincon Culture Committee	P.O. Box 68, Valley Center, CA 92082
Mel Vernon	Chairperson	San Luis Rey Band of Mission Indians	1044 North Ivy Street, Escondido, CA 92026
Carmen Mojado	Co-Chair	San Luis Rey Band of Mission Indians	1889 Sunset Drive, Vista, CA 92081
Henry Contreras		San Luis Rey Band of Mission Indians	1763 Chapulin Lane, Fallbrook, CA 92060
Russell Romo		San Luis Rey Band of Mission Indians	12064 Old Pomerado Road, Poway, CA 92064
Kristie Orosco		San Pasqual Band of Indians	P.O. Box 365, Valley Center, CA 92082
Scott Cozart	Chairperson	Soboba Band of Mission Indians	P.O. Box 487, San Jacinto, CA 92581



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

March 28, 2011

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Division

Ms. Shasta C. Gaughen
Tribal Historic Preservation Officer
Pala Band of Mission Indians
35008 Pala Temecula Road, PMB 445
Pala, California 92059

Dear Ms. Gaughen:

The United States (U.S.) Army Corps of Engineers (Corps) Los Angeles District is preparing environmental and cultural resources documentation for the proposed Gregory Canyon Landfill Project, along the San Luis Rey River, San Diego County, California. This project requires a Department of the Army permit pursuant to Section 404 of the Clean Water Act (File No. SPL-2010-00354-SDM [Enclosure 1]) for the discharge of dredged or fill material into waters of the U.S. (i.e., the undertaking).

The proposed undertaking consists of the construction, operation, and closure of a Class III landfill. The landfill would have an approximately 30-year life with a maximum daily intake of 5,000 tons and an annual intake of one million tons. The landfill and the majority of the associated facilities would occupy approximately 308 acres located on an approximately 1,770-acre site located in northern San Diego County, approximately three miles east of Interstate 15. The site comprises 38 assessor's parcels and portions of Sections 4 and 5 of Township 10 South and Sections 32 and 33 of Township 9 South, Range 2 West of U.S. Geological Survey 7.5' Pala Quadrangle. A portion of Gregory Mountain is located on the site.

Based on the current proposed project description, we have delineated an Area of Potential Effects (APE) (Enclosures 2-4). The APE includes both direct and indirect effects that may occur from implementation of the undertaking. The enclosed APE map designates the "Area of Potential Effects (Direct)" as the project site which includes the areas proposed for ground-disturbing activities and areas of proposed open space within the ownership and control of Gregory Canyon Limited (the Applicant). The "Area of Potential Effects (Indirect)" includes

a reasonable and good-faith effort to capture the potential for visual, auditory, and other non-direct effects. This is the first major step in the Corps' compliance process under Section 106 of the National Historic Preservation Act.

The Corps requested a Sacred Lands File search and a Native American contact list from the Native American Heritage Commission (NAHC) dated May 25, 2010. The NAHC responded by indicating that there are cultural resources within one mile of the APE (Enclosure 5). We are sending this proposed APE map to the list of organizations and individuals provided by the NAHC for their review and comment.

By this letter the Corps requests your comments on the appropriateness of the APE for the proposed undertaking (pursuant to 36 CFR§800.4[a][1]). In addition, we would appreciate any other comments, concerns and/or information regarding cultural resources that might be affected by the undertaking.

Please review the enclosed information, and respond at your earliest convenience. We are hopeful that you will be able to respond within thirty days of your receipt of this letter. If you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by e-mail at David.S.Dibble@usace.army.mil.

Sincerely,

A handwritten signature in dark ink, appearing to read "David J. Castanon", with a long horizontal flourish extending to the right.

David J. Castanon
Chief, Regulatory Division

Enclosures

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov

RECEIVED

APR 18 2011

REGULATORY DIVISION
LOS ANGELES OFFICE

April 12, 2011

In Reply Refer To: COE110329C

David J. Castanon
Chief, Regulatory Division
Department of the Army
Los Angeles District, Corps of Engineers
P.O. Box 532711
Los Angeles, California 90053-2325

Re: Section 404 of the Clean Water Act Permit for the Gregory Canyon Landfill Project,
San Diego County, California (File No. SPL-2010-00354-SDM).

Dear Mr. Castanon:

Thank you for seeking my consultation regarding the proposed Gregory Canyon Landfill Project. The U.S. Army Corps of Engineers (COE), Los Angeles District, is seeking my comments on the effects that the subject undertaking will have on historic properties, pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA). This project requires authorization from the COE in accordance with Section 404 of the Clean Water Act for the discharge of fill materials into waters of the U.S. The COE has identified this regulatory action as an undertaking subject to review under the Section 106 regulations of the NHPA.

At this time you are requesting my concurrence on your determination of an Area of Potential Effects (APE) for this undertaking. In addition to your letter of March 28, 2011, you have submitted: two APE maps; a written description of the proposed APE; a public Notice regarding the undertaking; copies of letters and statements to the COE from the Native American Heritage Commission and from Native American Tribes, organizations, and individuals; and comments received from other parties (i.e., County of San Diego, Bureau of Land Management, and the Environmental Protection Agency). These comments were largely submitted during the National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) scoping period of May 7, 2010 to June 18, 2010. It is apparent from the comments made during the NEPA process that the Native American community in general is in opposition to this undertaking.

After reviewing your documentation regarding the proposed APE, I concur that it has been appropriately determined in accordance with 36 CFR Parts 800.4(a)(1) and 800.16(d). In continuing this consultation please make appropriate efforts to maintain the involvement of the Native American Tribes in the Section 106 process regarding the identification and evaluation of Historic Properties in the project APE and the determination of a finding of effect pursuant to 36 CFR Part 800.

Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact William Soule, Associate State Archeologist at phone 916-445-7022 or email wsoule@parks.ca.gov.

Sincerely,

Susan H Strathon for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
760-891-3510 Office | 760-742-3189 Fax



September 15, 2011

David J. Castanon
Chief, Regulatory Division
Department of the Army
Los Angeles District, Corps of Engineers
PO Box 532711
Los Angeles, CA 90053-2325

RE: Gregory Canyon Landfill Project, File No. SPL-2010-00354-SDM
Cultural Resources of Importance within the Project APE

Dear Mr. Castanon,

On behalf of the Pala Band of Mission Indians ("Band"), I am writing this letter to make your office aware of the multiple sensitive and important cultural resources that exist within the proposed project APE for the Gregory Canyon Landfill Project ("Project").

As you are already aware, the Band considers the entire project area to encroach upon lands that the Band considers sacred and of overwhelming cultural, spiritual and religious importance. While I am aware that archaeological records searches and surveys are designed to find physical evidence of cultural importance, I want to begin this letter by explaining why sacred lands do not always show physical evidence of their significance. Tribal cultural and religious practices are based on a unique relationship with the land. Just as an individual's prayer does not leave physical evidence, so it is that there may not be physical evidence to indicate that certain lands are sacred to a tribe. Therefore, the Area of Potential Effect ("APE") for this project includes lands of a sacred nature that nevertheless do not contain any archaeological evidence for that designation. It is vitally important to understand that there is a significant difference between tribal ways of knowing and defining the world and the scientific, objectivist viewpoint of the archaeologist. Further, tribes are generally very reluctant to reveal information about sacred sites, and only when backed into a corner by the threat of desecration will they hesitantly come forward with the information necessary to protect sites of significance (such as the Gregory Canyon site).

Another important aspect that must be considered is the overall interconnectedness of cultural landscapes. A traditional cultural property ("TCP"), according to the National Park Service, "can be defined generally as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community" (National Register Bulletin, Guidelines for Evaluating Traditional Cultural Properties). Without a doubt, Gregory Mountain and the areas surrounding it within the project APE can be considered a TCP.

Although sacredness does not always manifest itself physically within a landscape, there is often still physical and archaeological evidence of use and occupation by tribes. Such is the case with the Gregory Canyon Landfill APE. There are multiple recorded archaeological sites within the APE, all of which have already been shared with your office, and which are also available through a records search at the South Coastal Information Center in San Diego. Although none of the sites within the APE have been determined to be eligible for inclusion in the National Register, their very existence testifies to the use of Gregory Mountain, Gregory Canyon, Medicine Rock, and the areas surrounding the project APE. All of these sites are significant to the Band, regardless of their eligibility for National Register listing. The existence of these archaeological sites, together with the ethnographic evidence of the land's use and the oral history and continuing modern use of the area combine to render the conclusion that the entire project APE is a sensitive cultural resource.

It would be misleading for me to provide your office with a listing of specific sites that we find to be of particular significance within the project APE when the Band considers the entire site to be of religious, spiritual, sacred, and cultural significance. Ethnographically, when the area surrounding and including Gregory Mountain and Medicine Rock was used for coming of age rituals, an interconnected web of sites and ceremonies was used to tie the entire Band and its neighbors together as a larger community. When the people today look to Gregory Mountain, they see the resting place of the spirit Takwic, and turn from him in respect and fear if they see his form streaking from the mountain in pursuit of souls. When members of the Luiseno community visit the mountain and the rock, in search of healing, prayer, and contemplation, they are not just visiting one physical location; they are communing with the entire mountain, base to peak. Therefore, when you ask for a listing of cultural resources of importance within the APE, only one answer can be provided: the entire APE is a resource of importance.

As I have stated in previous letters, there is no mitigation for this project that we will accept save one: the complete avoidance of the entire project APE.

Please feel free to contact me by phone at 760-891-3515 or by e-mail at sgaughen@palatribe.com if you have any questions or concerns. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Shasta C. Gaughen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Shasta C. Gaughen, PhD
Pala Tribal Historic Preservation Officer

Cc: Col. Mark Toy, Los Angeles District Commander
Steve Dibble, Archaeologist
Bill Miller, Project Manager
Shanti Abichandani Santulli, Project Manager



PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

Post Office, Box 2183 • Temecula, CA 92593
Telephone (951) 308-9295 • Fax (951) 506-9491

May 24, 2011

VIA E-MAIL and USPS
(David.J.Castanon@usace.army.mil)

David J. Castanon, Chief
Department of the Army
Los Angeles District, Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90053-2325

Re: Pechanga Tribe Comments on the Determination of the Gregory Canyon Area of Potential Effects as Required for a Section 404 Permit

Dear Mr. Castanon:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. . If you have not done so already, please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archeological reports, and all documents pertaining to the Section 404 Permit Review process (the "Project" or "Permit"). Please also directly notify the Tribe of all public hearings and scheduled approvals concerning this Project. We further request that these comments be made part of the Record of Decision for the Permit review.

The Tribe submits these comments in response to the request made by the Army Corps of Engineers ("ACOE") on March 28, 2011. The Tribe has serious concerns regarding the Area of Potential Effects ("APE"), both direct and indirect, and knows that approving and developing this Project will entirely destroy a Luiseño Traditional Cultural Property which further includes the Luiseño Ancestral Origin Landscape ("LAOL"). The Pechanga Tribe has opposed the Gregory Canyon Landfill since its inception because of the certain and irreversible impacts to the LAOL, numerous cultural resources, and multiple potentially devastating environmental issues.

While the Tribe recommends denial of the Section 404 Permit entirely, we understand that you are only currently requesting comments on the proposed Project APE. We have concerns with both the direct and indirect APEs as neither adequately includes the entire physical boundaries of known cultural resources and impacts to other non-renewable resources that will be profoundly affected by the decision to issue a 404 Permit. The Direct APE itself does not incorporate the entirety of the known existing traditional village complex or of Gregory Mountain, also known as Chókla. Likewise, the Indirect APE does not fully encompass such

Chairperson:
Germaine Arenas

Vice Chairperson:
Mary Bear Magee

Committee Members:
Evie Gerber
Darlene Miranda
Bridgett Barcello Maxwell
Aurelia Marruffo
Richard B. Scarce, III

Director:
Gary DuBois

Coordinator:
Paul Macarro

Cultural Analyst:
Anna Hoover

impacts as water resources, cultural resources, neighboring communities or impacts by malignant odors. Because this Project will impact the San Luis Rey River, the Indirect APE should be expanded to encompass more of the River and possibly expand out to the Pacific Ocean as the River feeds into the ocean. Any impacts to the River itself will flow out to the ocean as well.

Additionally, there are new residential, commercial and school facilities that are being developed by the County of San Diego just to the west of the current proposed indirect APE. As such, the ACOE must consider the impacts to these communities as part of the Section 404 Permit Review process. Therefore, the Tribe believes that any impacts addressed based upon these proposed boundaries will be faulty and incomplete unless enlarged and revised to include the concerns raised herein.

TRIBAL CONSULTATION REQUIREMENTS

A ARMY CORPS OF ENGINEERS (ACOE) MUST CONSULT WITH THE PECHANGA TRIBE REGARDING THE PROJECT

It has been the intent of the Federal Government¹ and the State of California² that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. The United States has a unique political and legal relationship with Indian tribal governments. In conformance with this unique relationship, the Federal Government recognizes the sovereign status of tribal governments and its obligation to deal with these tribal governments on a government-to-government basis. This was reaffirmed by the last administration in Executive Order 13336 and his Executive Memorandum of September 23, 2004.

The obligation to consult arises when tribal interests are affected by the actions of State and Federal governmental agencies and departments, such as approval of General Plans or EIR/EISs. Therefore, in order to comply with Section 106, and other applicable Federal and California law, it is imperative that ACOE consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the effects, as well as generating sufficient objectives, policies and potential mitigation measures. The Tribe requests to continue consultation throughout the environmental process with the Colonel and ACOE representatives.

B. SECTION 106 CONSULTATION REQUIREMENTS

The requirements of Section 106 of the NHPA, set forth in 36 CFR Part 800, clearly requires consultation with Indian tribes, regardless of the location of the project (36 CFR

¹ See Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments; Executive Order 13175 of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments; and Executive Memorandum of September 23, 2004 on Government-to-Government Relationship with Tribal Governments.

² See California Public Resource Code §5097.9 et seq. and Cal. Govt. Code §§ 65351, 65352, 65352.3 and 65352.4.

800.2(c)). The regulations state that the agency official *shall* ensure that consultation provides an Indian tribe “a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking’s effects on such properties, and participate in the resolution of adverse effects.” *Id.* Further, consultation must occur early in the planning process in order to “identify and discuss relevant preservation issues and resolve concerns about the confidentiality of information on historic properties.” *Id.*

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe has provided this information to the Army Corps on previous occasions; however, we would like to reiterate the information here for the record and to emphasize the importance of this Traditional Cultural Property.

Our songs and oral accounts have transferred history and knowledge through the generations for thousands of years. The origin of the Luiseño people is the single most important account in our culture. Our present-day practices, beliefs and social structure are directly related to our creation. Luiseño history begins with the creation of all things at *‘éxva Teméeku* and the surrounding environs. The name *‘éxva* (EXH-vah) can be translated as a “place of sand” and *Teméeku* (Teh-MEH-koo) means “sun place.” In fact, the place known today as Temecula, derives its etymology from this physical location where the Murrieta and Temecula Creeks converge to form the Santa Margarita River, which flows onto the Pacific Ocean.

Many of our traditional songs specifically mention the *‘éxva Teméeku* area. This is where our Origin Story and ancestral songs say *Túukumit* (TOO-koo-mit, Father Night Sky) and *Tamáyawut* (Ta-MAI-yah-whoot, Mother Day Earth) created the world. The Sun, *Temét* (teh-MET), was a gift brought by *Túukumit* to *Tamáyawut*. When *Túukumit* and *Tamáyawut* became one, their first offspring were earth and sand, which in Luiseño are *‘éxla* (EXH-la) and *‘éxval* (EXH-vol). *‘éxva Teméeku* is therefore in reference to the first offspring of *Túukumit* and *Tamáyawut* (Elliott n.d., 1069). Their children were known as the first people or *Káamalam* (KAH-mah-lam) and were all creatures, including trees, rocks, fog, mammals and birds.

Many traditions and stories are passed from generation to generation by songs. One of the Luiseño songs recounts the travels of the people to Elsinore after a great flood (DuBois 1908). From here, they again spread out to the north, south, east and west. Three songs, called *Monívol*, are songs of the places and landmarks that were destinations of the Luiseño ancestors. They describe the exact route of the Temecula (Pechanga) people and the landmarks made by each to claim title to places in their migrations (DuBois 1908:110).

Our traditions tell us that for thousands of years our Luiseño Ancestors lived in the valley at *Páala* (PAH-lah; meaning water in Luiseño). Bounded by *Tómqav* (TOWM-cauve) to the north and *Yáaraxuna* (YAH-rah-hooh-nah) to the south, the area was a significant cultural hub of activity. Almost every peak, hill, large boulder or gathering location in the valley is described

with Luiseño place names. Place names not only portray the importance of our Luiseño Ancestral Religion but speak about the richness of *Páala* and the vast natural resources there.

This valley is bounded by *Tómqav*. Meaning 'meeting place' and referencing a very large area, *Tómqav* in addition marks the location where our ancestral religious figure-head was poisoned. His name was *Wuyóot* (we-YAUGHT). *Wuyóot* was a combination of Moses and Jesus because he both physically led the people and spiritually nourished the people. He accomplishes this task with knowledge/*ayélkwish* (ah-YELL-kwish) from the Creator. He was the first born human of Earth Mother and Father Sky. He would eventually succumb to the first death of the world and thereby set into motion the way the world is now.

In all religions, there is a yin and yang, a balance between good and evil. To the south of the valley is one of three *Táakwish Poshápila* (TALK-wish po-SSHOP-pea-lah: Táakwish pounding places). *Táakwish* is the embodiment of evil, our culture's devil. He only frequents places where many people are located. Having a *poshápila* near your living area served as an important warning to live a just life or your soul would be taken, your flesh pounded and summarily eaten by *Táakwish*. Today, the identification of a *poshápila* in this area enforces our belief that a large population lived here as there would have been ample food for *Táakwish*.

To the south of the project and at the base of *Chókla* Mountain/*Táakwish* landing place, is *Yáaraxuna*, which means "place where one is shaken." This shaking does not derive from an earthquake but refers to an internal shaking, a spiritual quivering. Our Creation Account tells of a transition-point in *Wuyóot*'s life, when he becomes a teacher to the *Kaamalam*. The story goes: "*Tolmul pi' la' ngorooraxmuk, pi; yaraaraxmuk pi; nomaanga pi' la noqwa'qala.*" Roughly translated, this means: "Afterlife rumbled and quivered in my hands as I ate." The *Kaamalam* were starving and *Wuyóot* used *tóovish* (TOW-vish: white clay) to nourish the people both spiritually and physically. We believe *Yáaraxuna* possibly marks the specific location where the people were first saved with food made by *Wuyóot*. This too is the specific location where the bridge for the proposed landfill project will be placed, which will negatively impact our Ancestor's religion and the Tribe's cultural past and present.

It is believed that living near or a demarking of religious ceremonies at a sacred location gives it a deeper meaning because of the place's religious recollection. Because of the epiphany imparted at the place, this concept is often called 'second sight.' Mt. Sinai, the Wailing Wall, the River Jordan, Golgotha and St. Peter's Basilica are a few examples of places in the Judeo-Christian-world where religion and location combine to make the place more significant. Our Luiseño Ancestors were no different and seemed particularly drawn to live their lives near locations both steeped in the Creation Story and with a plethora of natural resources.

Tóota yixélval (rock art) is also an important element in the determination of Luiseño territorial boundaries. *Tóota yixélval* can consist of petroglyphs (incised) elements, or pictographs (painted) elements. The science of archaeology tells us that places can be described through these elements. Riverside and Northern San Diego Counties are home to red-pigmented

pictograph panels. Archaeologists have adopted the name for these pictograph-versions, as defined by Ken Hedges of the Museum of Man, as the San Luis Rey style. The San Luis Rey style incorporates elements which include chevrons, zig-zags, dot patterns, sunbursts, handprints, net/chain, anthropomorphic (human-like) and zoomorphic (animal-like) designs. Tribal historians and photographs inform us that some design elements are reminiscent of Luiseño ground paintings. A few of these design elements, particularly the flower motifs, the net/chain and zig-zags, were sometimes depicted in Luiseño basket designs and can be observed in remaining baskets and textiles today.

An additional type of *tóota yixélval*, identified by archaeologists also as rock art or petroglyphs, are cupules. Throughout Luiseño territory, there are certain types of large boulders, taking the shape of mushrooms or waves, which contain numerous small pecked and ground indentations, or cupules. Additionally, according to historian Constance DuBois:

When the people scattered from Ekvo Temeko, Temecula, they were very powerful. When they got to a place, they would sing a song to make water come there, and would call that place theirs; or they would scoop out a hollow in a rock with their hands to have that for their mark as a claim upon the land. The different parties of people had their own marks. For instance, Albañas's ancestors had theirs, and Lucario's people had theirs, and their own songs of Munival to tell how they traveled from Temecula, of the spots where they stopped and about the different places they claimed (1908:158).

Within a two mile radius of the project there are two distinct and well known *tóota yixélval*; however, we are aware that there are others within the area. One is located at *Tómqav* and the other at *Yáaraxuna*. Also known as the Medicine Rock, we Luiseño call this *tóota wanáwmawish* (TOW-tah won-OW-mah-wish), or the rock connecting heaven and earth. *Wanáwmawish* describes the Milky Way Galaxy, represented to our Ancestors as a net.

Within the Milky Way 'net' are safely kept the spirits of our departed ancestors—the stars. The large scale of *tóota wanáwmawish* and its painted net indicates to Luiseño People that ceremonies for a large population near *Tómqav* were conducted. This population was kept in check by *Táakwish Poshápila* near *Páala* (and the San Luis Rey River), which also indicates the potential for many burial locations, both of the *Kaamalam* and of humans. We know that where the People lived, they also died.

It is our belief that any project in this area will impact the religious and sacred areas of our Ancestors, which include burials. To us, the known archaeological records, ethnographic accounts, Luiseño Place Names and our oral traditions coalesce here to describe the importance of this place to us and to others in our modern time. These examples illustrate a direct correlation between the oral tradition and the physical place; proving the importance of songs and stories as a valid source of information outside of the published anthropological data.

The Tribe has further specific information that is too sensitive to release in general public comments and would welcome the opportunity to meet with the ACOE, and any other agency involved, to further explain and provide documentation concerning specific cultural significance for this Project.

PROJECT IMPACTS TO CULTURAL RESOURCES AND THE PROJECT APE

Gregory Mountain and its surrounding environs embody what archaeologists call Traditional Cultural Properties or TCP's. National Register Bulletin 38 defines a TCP as: "...one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community." Gregory Canyon, Gregory Mountain, the San Luis Rey River and other bodies of water, and the surrounding landscape are essential to Luiseño traditional customs and beliefs that continue to this day.

This TCP encompasses within its boundaries a large Village Complex that contains all aspects of aboriginal life including the secular, such as tool production and food preparation as well as the spiritual and ceremonial. Habitation sites and Village Complexes are of utmost importance to the Tribe because they are the last physical remains of where the ancestors lived. They contain information and data that are reflective of every aspect of tribal culture. It is well known that native village and habitation complexes enveloped large areas of land, sometimes several square miles. The Tribe believes that any impacts and/or destruction to this area are a great irreparable loss to tribal culture and scientific knowledge.

We believe that this Project will desecrate Gregory Mountain, Gregory Canyon and the surrounding Village Complex, and what it represents to the Luiseño people. Implementation of the landfill will impact not only sacred sites but the air, water, plant and animal resources in the area. The planning process supposes that tribes are only concerned about the tangible remains of their ancestors such as bedrock milling features, *tóota yixélval*, etc. However, our concerns also focus upon the impacts to natural resources, the 'sense of place,' continuing tribal traditions and the spirituality of a location, all of which is a part of the cultural landscape as a whole and make this area a TCP. Our ancestors were a part of the larger environment and as such, all parts of that landscape are important.

While the Tribe recommends denial of the Section 404 Permit based upon the extreme negative impacts this Project will have on the environment and to cultural resources, we understand that you are requesting comments on the proposed Project APE as required by Federal law. In regards to the Direct APE, the Tribe believes that it does not incorporate the entirety of the known village or of Gregory Mountain, also known as Chókla. It also does not incorporate the entire existing aqueduct easement. The Tribe believes that if these resources are

not fully encompassed in the Direct APE, they will be analyzed differently and potentially presumed to be less significant thus failing to adequately assess impacts to them.

The Indirect APE also is too limited. It does not fully encompass potential impacts to water resources, cultural resources, neighboring communities or impacts by malignant odors. Because this Project will impact the San Luis Rey River, the Indirect APE should be expanded to encompass more of the River and possibly the ocean. The Tribe has argued previously that there has been no research conducted on the proposed liner for this landfill. We do not know that this liner will actually be an acceptable barrier between the one million tons of trash that will be dumped in Gregory Canyon every year for the next 30 years and the precious groundwater below the waste. In fact, testimony during the February 23, 2011 hearing on the solid waste permit indicated that *every* liner leaks. Therefore, this is not a question of whether, but rather a question of *when*. No mitigation efforts can stop a leak in the liner and the devastating impacts to vital drinking water sources for many residents.

As we have already stated, the impacts of this Project to the TCP in this area are irreparable. Recent development in the area has provided the Tribe with new information that proves this village area extended at least as far west as Interstate 15. We further know that over 30 Luiseño place names exist within a three mile radius of the proposed Project, which demonstrates that this was one of the most densely populated areas within Luiseño territory. Additionally, there are new residential, commercial and school facilities that are being developed by the County of San Diego just to the west of the current proposed indirect APE and the impacts to these communities need also to be analyzed. Gregory Canyon Landfill will impact these communities through increased traffic, reduction of air and water quality as well as increasing the potential for sickness and disease by airborne pathogens and odors released from the nearby decomposing waste. These communities will already be impacted by the nearby aggregate quarry – which coincidentally was approved on another sacred Luiseño mountain, and, if this Project is approved, will be further impacted by a landfill. One additional concern is that access to the property has been denied to the Pala Band several times. The Pechanga Band is concerned that there may be additional cultural resources located within and in the vicinity of the proposed Project that have not been recorded because our representatives have not had the opportunity to view the site. Due to this limited access, the Tribe recommends that the direct APE be enlarged to incorporate these potentially unknown and unrecorded resources.

The Tribe suggests that the ACOE must substantially widen both the Direct and Indirect APE in order to address the much larger impacts presented by this Section 404 Permit application. If the ACOE's environmental analysis proceeds based upon these currently proposed boundaries, it will be inaccurate and incomplete.

REQUESTED TRIBAL INVOLVEMENT AND MITIGATION

The Tribe's urgent and primary concerns stem from the Project's proposed impacts to sacred and secular Native American cultural resources. We are highly concerned about both the

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
Post Office Box 2183 • Temecula, CA 92592*

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protection of these unique and irreplaceable cultural resources, including the Luiseno Ancestral Origin Landscape, a Luiseño Village Complex, tangible and intangible sacred sites and archaeological items which would be impacted and displaced by ground disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work.

The Tribe requests to be involved and participate with the ACOE in assuring that an adequate environmental assessment is completed, and in developing all monitoring and mitigation plans and measures for the duration of the Project if it were to move forward. The Tribe commits to continue working with the ACOE, other Luiseño tribes and implementing agencies to adequately address the sacred resources that may be destroyed and to provide further information that may be of assistance. We will be happy to meet with the ACOE to provide our suggested APE revisions and additional confidential cultural resources information. We further maintain our opposition to the Gregory Canyon Landfill and will continue our efforts to ensure it does not move forward.

Finally, the Pechanga Tribe believes that the potential for human remains to be discovered in this area is high. In our experience, the Project area contains numerous indicators that increase the likelihood that human burials and cremations may have occurred in this area and the Tribe has new information that there are human remains in the Village Complex. In fact, human remains were located in January 2001 only two miles from the proposed landfill. The Project has the potential to disturb further human remains and in addition to the considerations above, both federal and state law provide for substantial protections in the event remains are disturbed. We ask that the ACOE consider this impact in addition to the other impacts identified herein.

The Pechanga Tribe looks forward to working together with the Army Corps of Engineers in protecting the invaluable Luiseño cultural resources found in the Project area. Please contact Michele Fahley, Deputy General Counsel, at 951-770-6179 or Anna Hoover, Cultural Analyst, at 951-770-8104 once you have had a chance to review these comments so that we might address the issues at hand and schedule additional consultation. Thank you.

Sincerely,



Anna Hoover
Cultural Analyst

Cc Pechanga Office of the General Counsel
Stephen Dibble, Senior Archaeologist, USACE
Shanti Shantulli, Project Manager, Southwest Branch

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May 12, 2011

Mr. David J. Castanon, Chief
U.S. Army Corps of Engineers
Regulatory Division, Los Angeles District
ATTN: Corps File No. SPL-2010-00354-SDM
P.O. Box 532711
Los Angeles, CA 90053-2325

VIA ELECTRONIC MAIL
David.J.Castanon@usace.army.mil

**RE: COMMENT LETTER ON THE SECTION 106 NATIONAL
HISTORIC PRESERVATION ACT CONSULTATION REQUEST
FOR THE GREGORY CANYON LTD. LANDFILL PROJECT,
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA (CORPS
FILE NO. SPL-2010-00354-SDM)**

Dear Mr. Castanon:

Thank you for the opportunity to submit the following comments regarding the U.S. Army Corps of Engineers ("Corps") review process for a Clean Water Act ("CWA") Section 404 Permit ("Permit") for the Gregory Canyon Landfill Project ("Project"). On April 26, 2011 a two-week extension was granted for the submission of our concerns regarding this Project thereby extending the original deadline.

It is our understanding that Gregory Canyon Ltd. ("Applicant") proposes to construct, operate, and close (after approximately 30 years) a landfill in northern San Diego County. This Project will occupy 308 acres of Applicant's 1,770 acres of land. The Project landfill and its associated facilities will be located on the south side of State Route 76 ("SR 76"). The landfill footprint will consist of approximately 197 acres and would be located within Gregory Canyon. We further understand that the landfill prism will consist of a double composite liner as well as a leachate collection and removal system with a protective cover. There will also be continuous construction at the Project Site for many, many years. It is our further understanding that Applicant proposes to build two borrow/stockpile areas, construct a permanent access road and bridge that will cross the San Luis Rey River, modify SR 76 by widening the road between 52-64 feet, and construct an additional access road that would lead to the Project's ancillary facilities

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north of the landfill footprint. And lastly, we are aware that this Project proposes to relocate San Diego Pipeline Nos. 1 and 2 (First San Diego Aqueduct), have the San Luis Rey River traverse through it and excavate several water wells and landfill gas migration monitoring probes. We, the San Luis Rey Band of Mission Indians (“Tribe”), as one of the seven Bands of the Luiseño Nation, have long been involved in the preservation and protection of the cultural landscape that falls inside and outside the boundaries of the Project area and appreciate the Corps invitation to comment on the Project.

As you may already be aware, we are a San Diego County tribe whose traditional territory encompasses the cities of Oceanside, Carlsbad, Vista, San Marcos and the communities of Fallbrook and Bonsall, among others. You should also be aware that we are resolute in the protection and preservation of our cultural resources.

We have reviewed the Section 106 Request for Consultation for this Project. The Tribe has also reviewed the archaeological site records for the Project Site, as well as our own tribal resource records. Per the Corps instructions, we will be limiting our comments to the cultural resources that the Tribe believes will be directly impacted within the Area of Potential Effects (“APE”). To date, there has been no formal Cultural Resource Report provided to the Tribe.

The Tribe further understands that the decision to grant a CWA 404 Permit to the Applicant is based on an evaluation of the cumulative probable impacts of the proposed Project on the public interest. Moreover, we understand that the benefit that reasonably may be expected to result from the Project must be balanced against its reasonably foreseeable detriments. And that one of the factors in determining the impact on public interest is the proposed Project’s effect on cultural values.

It is important for the Corps to realize that the Tribe is opposed to any plans that may damage or destroy any potentially significant¹ cultural resources and/or sacred sites that are and may be located within the Project’s boundaries.

I. BENEFITS OF THE GREGORY CANYON LANDFILL WILL NEVER ACCRUE TO A LEVEL THAT WILL EXCEED THE IRREPARABLE LOSS AND DAMAGE TO SACRED LANDS AND NON-RENEWABLE CULTURAL RESOURCES TO THE LUISEÑO PEOPLE.

Never in the history of our Tribe, have we ever opposed a project like we oppose the Gregory Canyon Landfill. If the Corps grants a CWA Section 404 Permit to the

¹ Many times public resource agencies and/or reviewing agencies rely upon the definition of “significant” as it is used in archaeological terms. Unfortunately, the only individuals that can claim whether an area or artifact is significant are the descendants of the people who left those artifacts. Therefore, we ask the Corps to realize that just because an archaeologist or an archaeological firm says that a cultural resource or site is “not significant” does not automatically mean that it is “insignificant” to Native Americans.

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Applicant, the devastation that will occur above and below surface will be too insurmountable for any benefit that could arise from such Project. Gregory Mountain is sacred. Medicine Rock is sacred. These features cannot be moved. The cultural resources that are known can not be replaced. The subsurface cultural resources that may be found cannot be replaced once they are forever destroyed by this Project. The sheer amount in number of these resources, within and outside the area of potential effect, is so great that if their destruction were to be allowed, the loss to the Luiseño People would be immeasurable.

A. Chokla is a Sacred Place for all Luiseños and will lose its integrity as a place of pilgrimage for the Luiseño people.

Chokla has been here for over 10,000 years. It is believed to be one of the resting places of Takwic, an important Luiseño spiritual figure. Gregory Mountain is known to the Luiseño People as Takwic Puki, or Takwic's House. It has been a beacon of spiritual guidance for the Luiseño People for thousands of years. Luiseño People have long made pilgrimages to Chokla not only for spiritual guidance, but as a place for religious ceremonies and a place of healing. To destroy the sanctity of such an area for a project that will only be in use for approximately 30 years seems unfathomable to our Tribe. Whatever possible benefit of putting trash in this area for 30 years, in the Tribe's opinion, could NEVER outweigh the importance of Chokla and places like Chokla.

B. Medicine Rock is a Sacred Ceremonial Place for all Luiseños that will be seriously compromised and/or dramatically impacted if a CWA Section 404 Permit is granted.

Medicine Rock, also known as CA-SDI-313/4356, technically sits outside the boundary of the Project. It, however, should be considered or delineated as being a "direct" victim of the Project². It's located at the base of Chokla or Gregory Mountain. It too holds the significance as a place of religious, ceremonial and ritualistic importance. This is evidence throughout the archaeological and Luiseño site records.

If the Corps grants the CWA Section 404 Permit, then this sacred site will no longer maintain its sacred nature. First, it's within too close of proximity to the actual landfill footprint. Second, it will be compromised due the fact that the Project is proposing to place a desilting basin within even closer proximity to it. Desilting basins are extremely susceptible to erosion. The basin banks can contain seepage from the landfill. Medicine Rock will undoubtedly become a victim of this landfill project. It will no longer be a place for our People to practice their religious and spiritual beliefs. It will no longer be a place where we can tell our children their ancestors from thousands of

² Currently, Medicine Rock is considered to be outside of the smaller Area of Potential Effect – Direct Impacts. It has been characterized as an area that is "indirectly" impacted within the larger Area of Potential Effect – Indirect Impacts.

years ago practiced their same beliefs. It will forever be taken away for a mere 30 years use as a garbage dump. The loss of our cultural values is not outweighed by this Project.

C. CA-SDI-745 is a significant cultural resource for the Luiseño People that will be destroyed if a CWA Section 404 permit is granted.

CA-SDI-745, an area that has been victim to countless evasive testing and destructive uses, is still important and significant to the Luiseño People. All evidence supports the fact that this was a place of living and ceremonial purposes for our ancestors. Pottery, beads, milling rocks, slicks, midden are all evidence that support its significance. Its integrity has been harmed because of the original placement of the water pipelines. Yet, it's still there. If this Project is granted the CWA Section 404 Permit, then this site will be completely and utterly eradicated.

In this area of CA-SDI-745, the Project proposes to deconstruct and reconstruct large portions of the First San Diego Aqueduct. Also in this area, the Project proposes to excavate additional water wells, to construct a permanent road and bridge, and excavate multiple landfill gas migration monitoring probes. Any one of these will destroy this area on its own. Compounded, CA-SDI-745 will be extinguished for the face the Earth.

D. CA-SDI-14608 is a significant cultural resource for the Luiseño people that will be destroyed and/or seriously compromised if a CWA Section 404 Permit is granted.

CA-SDI-14608 is known in the archaeological world as a site where bedrock milling has been located. For this reason it is significant to archaeologists from a scientific outlook. It is significant to us, not because of its scientific value but for its cultural value. Native Americans see the site's importance through the eyes of their ancestors. It was a place where they lived and prepared food for their families. The entire area surrounding Gregory Mountain is where our ancestors lived, worshiped, worked, and died. These are important or significant features that should not be destroyed for a landfill, or more specifically for the excavation of multiple landfill gas migration monitoring probes or a borrow/stockpile areas. If permitted, that is exactly what will occur. Everything on top of the surface, everything below the surface will be lost and never regained again. These are non-renewable resources that must be protected and not allowed to be destroyed for a project that will only have a 30 year public use.

II. IF THE CWA SECTION 404 PERMIT IS GRANTED AND THE LANDFILL'S LINERS FAIL, WHICH THEY ALWAYS DO, THE SAN LUIS REY RIVER AND OTHER UNNAMED WATERS WILL BECOME CONTAMINATED THEREBY HARM HUMANS AND WILDLIFE, ALIKE, FOR FUTURE GENERATIONS.

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All landfills will eventually **fail** and **leak** leachate into ground and surface water. Their failure is inevitable. The water contained in the San Luis Rey River and its surrounding unnamed waters are one of the reasons our ancestors chose to live in, around and below Gregory Canyon. Water should be protected above all costs. The detriment that would be caused by a project of this magnitude will far outweigh any potential benefit to the public.

Too many species of wildlife depend on the quality of this water. Too many generations of humans rely upon the quality of this water. The health and safety of all those beings must be protected from a danger that **will** occur, as history has proven to us time and time again.

There is no justification for having this Project so close in proximity to the San Luis Rey River. There are no benefits that could accrue that would warrant the probable contamination of these waters. Therefore, the Applicant should be denied the CWA Section 404 Permit.

III. THE TRIBE REQUESTS THAT IF THE CORPS DOES GRANT A CWA SECTION 404 PERMIT TO APPLICANT THEN THE APPLICANT MUST BE REQUIRED TO ALLOW THE PRESENCE OF TRIBAL MONITORS DURING ALL GROUND DISTURBING ACTIVITIES.

The Applicant for this Project is proposing the construction of roads, bridges and water pipelines. They are proposing the excavation of water wells and landfill gas migration monitoring probes. They are proposing the erection of several buildings, stock pile areas and water tanks. They are proposing to build a LANDFILL. There is no question that what they are proposing will have detrimental effects on all surface elements and that they will unquestionably be disturbing the earth through these activities. Therefore, to help mitigate or reduce the impact to cultural resources within the Project area Native American monitors should be utilized.

IV. SUBSURFACE CULTURAL RESOURCES MAY BE UNCOVERED DURING THE PROJECT'S GROUND DISTURBING ACTIVITIES AND THEREFORE NATIVE AMERICAN MONITORS MUST BE PRESENT DURING THOSE ACTIVITIES.

As stated above and throughout this comment letter, the magnitude of construction, excavation and destruction that this Project proposes, coupled with the fact that many of the areas of cultural concern rest on alluvium, a high potential for subsurface cultural resources is highly probable to be found within the Project area. Impacts to these resources would be significant without the presence of Native American monitors. To

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help mitigate or reduce the impact to possible cultural resources within the Project area and the possible unknown buried cultural artifacts, Native American monitors should be utilized.

V. IF THE CORPS DECIDES TO GRANT A CWA SECTION 404 PERMIT, APPLICANT SHALL BE REQUIRED TO USE ONLY CLEAN FILL DIRT FREE OF ANY CULTURAL RESOURCES TO MAINTAIN THE INTEGRITY OF THE CULTURAL LANDSCAPE.

The Tribe is opposed to any undocumented fill being used during the proposed development of the Project area. We understand that much, if not all, of the Plan would require large amount of fill to contain the floodplain and their landfill. The Tribe demands that any proposed use of fill be clean of cultural resources and documented as such. It has been a practice of many in the construction profession to utilize fill materials that contained cultural resources from other “unknown” areas thereby contaminating the potential cultural landscape of the area being filled. This type of fill material is unacceptable. Moreover, if the fill material is to be utilized from areas of the Project, then we ask that that fill be analyzed and confirmed by an archeologist and/or Native American monitor that such fill material does not contain cultural resources. A requirement that fill material be absent of any and all cultural resources should therefore be included as an additional condition of the CWA Section 404 Permit.

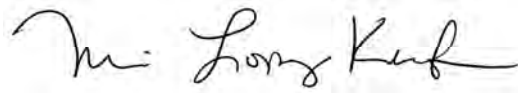
VI. CONCLUSION

The Tribe vehemently opposes the Corps granting a Clean Water Act Section 404 Permit to the Applicant. The enormity of irreparable detriment to the cultural resources of the Luiseño People far outweighs any public benefit of this proposed 30 year dump site. However, if the Corps does grant a CWA Section 404 Permit to the Applicant, we respectfully request that Native American monitors be included in the process of protecting our Luiseño cultural resources and that cultural resource-free fill be utilized by the Applicant so that the integrity of the cultural landscape of the Project area may be maintained.

The San Luis Rey Band of Mission Indians appreciates this opportunity to provide our comments to the U.S. Army Corps of Engineers on the proposed Gregory Canyon Landfill located in the County of San Diego, CA. We thank you for your continuing assistance in protecting our invaluable Luiseño cultural resources.

Sincerely,

*Comment Letter to the U.S. Army Corps Regarding Clean Water Act Section 404 Permit for
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A handwritten signature in black ink, appearing to read "Merri Lopez-Keifer". The signature is fluid and cursive, with the first name "Merri" being more prominent.

Merri Lopez-Keifer
Tribal Legal Counsel

cc: Mel Vernon, SLR Captain
Carmen Mojado, SLR Secretary of Government Relations
Stephen Dibble, Senior Archaeologist, U.S. Army Corps of Engineers

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DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

May 24, 2012

REPLY TO
ATTENTION OF

Office of the Chief
Regulatory Division

Milford Wayne Donaldson
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, California 95816

Dear Mr. Donaldson:

The United States (U.S.) Army Corps of Engineers (Corps) Los Angeles District is continuing consultations for the proposed Gregory Canyon Landfill Project along the San Luis Rey River, San Diego County, California. This project requires a Department of the Army permit pursuant to section 404 of the Clean Water Act (Corps File No. SPL-2010-00354-SDM) for the discharge of dredged or fill material into waters of the U.S. (i.e., the undertaking).

Based on the current proposed project description, we delineated an Area of Potential Effects (APE) and transmitted it to your office for review in our letter dated March 28, 2011. In a letter dated April 12, 2011, you concurred with our proposed APE (COE110329C). The APE includes both direct and indirect effects that may occur from implementation of the undertaking. The enclosed APE map designates the "Area of Potential Effects (Direct)" as the project site which includes the areas proposed for ground-disturbing activities and areas of proposed open space within the ownership and control of Gregory Canyon Limited (the Applicant). The "Area of Potential Effects (Indirect)" includes a reasonable and good-faith effort to capture the potential for visual, auditory, and other non-direct effects.

The primary purpose of this letter is to transmit our inventory and determinations of National Register of Historic Places (NRHP) eligibility and effect for all identified resources within the APE. The basis of our determinations was a cultural resources assessment conducted and submitted by ASM Affiliates, Inc. (enclosure 1), and additional analysis of site record forms prepared by PCR Environmental Consultants (enclosure 2) on behalf of the Corps and the Applicant. It was also based on a review of comments from the Tribes (enclosure 3) and the Applicant (enclosure 4). These comments have been previously transmitted to your office. In addition to correspondence with the Tribes we have also met with the Pala, Pechanga and other

groups at meetings and in the field to solicit their views. Based on the above information, we have identified 41 cultural resources sites within the APE.

For sites the Corps has determined would be directly affected by construction and operation of the landfill we have determined the following to be eligible for the NRHP under criterion D, for their potential to provide information important in history and prehistory include: CA-SDI-745, SDI-14,607 (historic-period Higgins Family Cemetery); SDI-14,610H (historic-period James P. Higgins Homestead); SDI-14,611 (historic-period Maggie Lovell House Site); F. W. Bryant Homestead (historic-period homestead). One site, SDI-19,943 (prehistoric bedrock milling), was not evaluated by the consultant. However, for the purposes of this consultation we are proposing to assume NRHP eligibility of the site under criterion D.

We have determined the Lucio Dairy (26 historic-period buildings) to be eligible under criteria A and C; and the First San Diego Aqueduct (historic-period feature) to be eligible under criterion A. These two resources will be directly affected.

We have determined Gregory Mountain to be eligible for the NRHP as a Traditional Cultural Property under criteria A and B. This site is very important to the Tribal groups in the region. It would be directly and indirectly affected by construction and operation of the landfill.

For sites that the Corps has determined would be directly affected by construction and operation of the landfill and, we have determined not eligible for the NRHP include: CA-SDI-786 (prehistoric isolate), SDI-14,585 (prehistoric seasonal camp; historic-period Thomas Foster Homestead); SDI-14,608 (prehistoric bedrock milling); P-37-016165 (historic-period road); P-37-030856 (prehistoric isolate); P-37-030857 (prehistoric isolate); Welty-Higgins Homestead (historic-period homestead);, and the Verboom Dairy (modern-period dairy).

Within the direct APE, but outside the area we believe would not immediately be affected by construction, or operation of the landfill (open space), we have determined the following sites to be NRHP eligible under criterion D, for their potential to provide information important in history/prehistory: CA-SDI-683 (prehistoric base camp or seasonal village); SDI-12,585 (prehistoric bedrock milling; historic-period David H. Wright Homestead); and SDI-14,609 (prehistoric rock art and bedrock milling). CA-SDI-744 (including SDI-12,584; prehistoric seasonal camp/probable ceremonial fertility site) is eligible under criterion D. Additional Tribal consultations will occur and this particular site may be eligible under additional criteria.

Within the indirect APE, we have determined SDI-4356 (prehistoric/ethnohistoric Medicine Rock with rock art) to be NRHP eligible under criteria A, B, C, and D and is considered a Traditional Cultural Property. This site is very important to the Tribal groups in the region.

We have further determined one site within the indirect APE, P-37-016051 (historic-period Pala Fruit Ranch wall), as not eligible for the NRHP based on a previous study discussed in the report by ASM. The site lacks integrity.

For other resources within the indirect APE, we are proposing an assumption of NRHP eligibility for 18 resources identified by the records search. The reason for this is that the Applicant does not have ownership or control of them, nor would it be prudent to conduct destructive archeological studies for sites that would not otherwise be directly disturbed by construction. The sites we are determining NRHP eligible under this category using criterion D are CA-SDI-773 (prehistoric bedrock milling), SDI-4502 (prehistoric bedrock milling), SDI-4503 (historic-period trash scatter), SDI-4910 (prehistoric bedrock milling and rock wall), SDI-8871 (prehistoric bedrock milling and artifact scatter), SDI-12,208 (historic-period cabin), SDI-12,582 (prehistoric bedrock milling), SDI-12,583 (prehistoric bedrock milling), SDI-13,004 (prehistoric bedrock milling), SDI-13,005 (prehistoric bedrock milling), SDI-13,006 (prehistoric ceramic scatter), SDI-13,007 (prehistoric ceramic scatter; historic-period trash scatter), SDI-13,766 (prehistoric bedrock milling and ceramic scatter; historic-period trash scatter), SDI-13,767 (historic-period trash scatter), SDI-13,768 (prehistoric bedrock milling), SDI-13,769 (prehistoric bedrock milling), SDI-17,759 (prehistoric bedrock milling), P-37-027910 (historic-period residence). We request your concurrence with all of our NRHP eligibility determinations detailed in the above paragraphs of this letter.

Subject to your concurrence with our determinations of NRHP eligibility, the Corps has determined that construction and operation of Gregory Canyon Landfill Project would have an adverse effect on properties eligible for listing on the NRHP. Sites detailed above in the direct APE would be damaged or destroyed by grading and other ground disturbing activities. Others not immediately directly affected may at some point in the future be damaged by operations. In addition to direct effects, the construction and operation of the landfill would have visual, auditory, atmospheric, and other indirect effects to Medicine Rock (SDI-4356) and Gregory Mountain. Other sites in the area of indirect effects would not be adversely affected as we have determined them to be eligible under criterion D and, no construction will occur in that area. We request your concurrence with this determination.

We will be inviting the Advisory Council on Historic Preservation to participate in the consultation process pursuant to 36 CFR 800.6(a)(1). We will continue to consult with the Tribes and the Applicant to try and find ways to avoid or minimize adverse effects.

Please review the enclosed information and respond with comments within thirty (30) days of your receipt of this letter. If you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by e-mail at David.S.Dibble@usace.army.mil.

Sincerely,

A handwritten signature in dark ink, appearing to read "David J. Castanon", is written over a light gray rectangular background.

David J. Castanon
Chief, Regulatory Division

Enclosures

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



September 13, 2012

Reply in Reference To: COE110329C

David J. Castanon
Chief, Regulatory Division
Los Angeles District, Army Corps of Engineers
PO Box 532711
Los Angeles, CA 90053-2325

Re: Section 106 Consultation for Issuance of 404 Permit, Gregory Canyon Landfill, near San Luis Rey River, San Diego County

Dear Mr. Castanon:

Thank you for continuing consultation regarding the United States Army Corps of Engineers (COE) efforts to comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), as amended, and its implementing regulation found at 36 CFR Part 800.

In your efforts to identify and manage historic properties within the above referenced undertaking's APE, you are seeking my concurrence with your National Register (NRHP) eligibility determinations for 41 cultural resources.

COE has determined the Lucio Dairy Historic District to be eligible under NRHP Criteria A and C, and the first San Diego Aqueduct to be eligible under Criterion A. These two resources will be directly affected.

Gregory Mountain or *Chokla*, home to the first shaman Taakwic has been determined by the COE to be eligible for the NRHP as a Traditional Cultural Property (TCP) under Criteria A and B. *Chokla* is prevalent in oral history and has been identified as the most important traditional cultural place in the region to contemporary Native Americans; many people claim a sacred and spiritual connection to it today that extends far back in time. *Chokla* will be both directly and indirectly affected by this undertaking.

CA-SDI-4356 or Medicine Rock is a rock art site well known to all Luiseño people and is considered to have been sacred and extremely important to their ancestors as well as to contemporary Native Americans. The COE has determined this site to be a Traditional Cultural Property and to be NRHP eligible under criteria A, B, C, and D. Medicine Rock is located within the indirect APE.

The COE has determined that the following sites are eligible for the NRHP under Criterion D and will be directly affected by construction and operation of the landfill: CA-SDI-745, CA-SDI-14607, CA-SDI-14610H, CA-SDI-14611, and CA-SDI-19943.

The COE in addition has determined the following archaeological sites to be eligible for the NRHP under Criterion D: CA-SDI-683, CA-SDI-744, CA-SDI-12584, CA-SDI-12585, and CA-SDI-14609; these sites are located in areas of reserved open space and it is believed will not be affected by construction or operation of the landfill.

The following eighteen resources are located within the indirect APE and will not be affected by construction activity. As they will not be disturbed, the COE has determined it would be imprudent to conduct destructive archaeological studies and is therefore assuming NRHP eligibility under Criterion D; these sites are: CA-SDI-773, CA-SDI-4502, CA-SDI-4503, CA-SDI-4910, CA-SDI-8871, CA-SDI-12208, CA-SDI-12582, CA-SDI-12583, CA-SDI-13004, CA-SDI-13005, CA-SDI-13006, CA-SDI-13007, CA-SDI-13766, CA-SDI-13767, CA-SDI-13768, CA-SDI-13769, CA-SDI-17759, and P-37-027910.

One site within the indirect APE, P-37-016051, has been determined to be ineligible for the NRHP based on a previous study discussed in the attached report.

The following eight resources will be directly affected by construction and operation of the landfill and have been determined by the COE to be ineligible for the NRHP: CA-SDI-786, CA-SDI-14585, CA-SDI-14608, P-37-016165, P-37-030856, P-37-030857, Welty-Higgins Homestead, and the Verboom Dairy.

The COE has determined that the demolition of all buildings and structures associated with the Lucio Dairy, the realignment of a 3,200 linear foot segment of the First San Diego Aqueduct pipeline and the effects of the proposed landfill on Gregory Mountain and archeological properties within the project area will adversely affect historic properties. The COE will be inviting the Advisory Council on Historic Preservation to participate in the consultation process pursuant to 36 CFR 800.6(a)(1) and will continue to consult with the Tribes and the Applicant.

The COE has submitted the following report in support of this determination and undertaking:

- *Cultural Resources Assessment for the Gregory Canyon Landfill Project, Northern San Diego County, California* (ASM: January 2012)

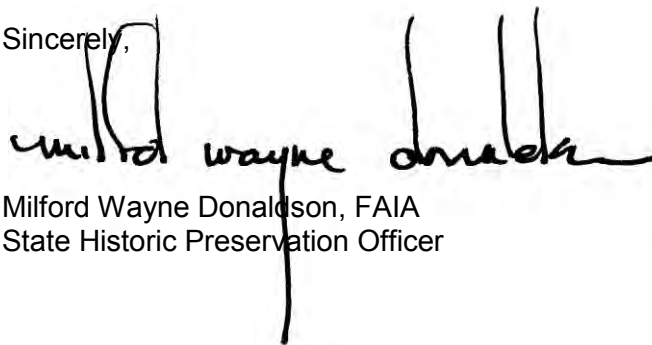
After reviewing this report, I have the following comments:

- 1) I concur with the determination that the first San Diego Aqueduct is NRHP eligible under Criterion A.
- 2) I concur with the determination that the following sites located in the proposed reserved open spaces are NRHP eligible under Criterion D: CA-SDI-683, CA-SDI-744, CA-SDI-12584, CA-SDI-12585, and CA-SDI-14609.
- 3) I concur with the determination that the following sites located within the direct APE are NRHP eligible under Criterion D: CA-SDI-745, CA-SDI-14607, CA-SDI-14610H, CA-SDI-14611, and CA-SDI-19943.
- 4) I concur with the assumption of eligibility for the purposes of this undertaking only for the eighteen resources located in the indirect APE: CA-SDI-773, CA-SDI-4502, CA-SDI-4503, CA-SDI-4910, CA-SDI-8871, CA-SDI-12208, CA-SDI-12582, CA-SDI-12583, CA-SDI-13004, CA-SDI-13005, CA-SDI-13006, CA-SDI-13007, CA-SDI-13766, CA-SDI-13767, CA-SDI-13768, CA-SDI-13769, CA-SDI-17759, and P-37-027910. These resources will be avoided from all construction and operational activities.
- 5) The State Historic Preservation Officer (SHPO) and the State Historical Resources Commission (SHRC) have previously determined Gregory Mountain or Chokla to be NRHP eligible as a TCP under both criteria A and B, this remains unchanged.

- 6) Based on the information provided, I am unable to concur with the determination that the Lucio Dairy complex, consisting of 26 contributing buildings and structures, is eligible for NRHP inclusion as a historic district. While the dairy may be representative of mid-century large scale dairy operations in San Diego County, it does not rise to the requisite level of significance for NRHP inclusion.
- 7) I concur with the determination that the following sites are *not* eligible for listing on the NRHP: CA-SDI-786, CA-SDI-14585, CA-SDI-14608, P-37-016165, P-37-030856, P-37-030857, P-37-016051, Welty-Higgins Homestead, and the Verboom Dairy.
- 8) Based on the information and analysis provided in the National Register nomination, it is clear that Medicine Rock is NRHP eligible as a Traditional Cultural Property under criteria A and B and it is possible that the property could be demonstrated to meet criterion C as well. The events in this nomination are those associated with Taakwic visits to his home on Gregory Mountain. While not discussed, a case can be made that shaman visits to the mountain to acquire power are also important events in Luiseno history. Taakwic and shamans are noted as important individuals that contribute to the significance of the mountain. While only a short discussion of Criterion C as it relates to rock art is presented, it is possible that the property could be demonstrated to meet criterion C, but there is insufficient documentation at this time. In order for SHPO to concur with the COE that Medicine Rock is NRHP eligible as a Traditional Cultural Property under criteria A, B, C, and D, it will be necessary for the COE to incorporate the information presented in the National Register nomination in its determination of eligibility.
- 9) Based on these NRHP eligibility determinations and the project description this undertaking will result in adverse effects to historic properties pursuant to 36 CFR Part 800.5(d)(2). It has yet to be determined whether project activities will adversely affect historic properties (as noted on page three of your 24 May 2012 letter) located beyond the direct APE.

I look forward to continuing consultation with the COE as the COE prepares a draft Memorandum of Agreement per 36 CFR Part 800.6(c) identifying means of taking the adverse effects to historic properties into account. Thank you for seeking my comments and considering historic properties as part of your project planning. If you have any questions, I may be reached at (916) 445-7000.

Sincerely,



Milford Wayne Donaldson, FAIA
State Historic Preservation Officer



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

July 3, 2012

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Division

Shasta C. Gaughen
Tribal Historic Preservation Officer
Pala Band of Mission Indians
35008 Pala Temecula Road, PMB 445
Pala, California 92059

Dear Ms. Gaughen:

The United States (U.S.) Army Corps of Engineers (Corps) Los Angeles District is continuing consultations for the proposed Gregory Canyon Landfill Project along the San Luis Rey River, San Diego County, California. This project requires a Department of the Army permit pursuant to section 404 of the Clean Water Act (Corps File No. SPL-2010-00354-WHM) for the discharge of dredged or fill material into waters of the U.S. in association with the proposed Gregory Canyon Landfill Project (i.e., the undertaking).

Based on the current proposed project description, we delineated an Area of Potential Effects (APE) and transmitted it to your office for review in our letter dated March 28, 2011. In a letter to you dated June 10, 2011, we confirmed the final APE (COE110329C) after consideration of comments from the Tribes and Gregory Canyon Limited (the Applicant). The APE includes both direct and indirect effects that may occur from implementation of the undertaking. The enclosed APE map designates the "Area of Potential Effects (Direct)" as the project site which includes the areas proposed for ground-disturbing activities and areas of proposed open space within the ownership and control of the Applicant. The "Area of Potential Effects (Indirect)" includes a reasonable and good-faith effort to capture the potential for visual, auditory, and other non-direct effects.

The primary purpose of this letter is to transmit our inventory and determinations of National Register of Historic Places (NRHP) eligibility and effect for all identified resources within the APE. Our determinations are detailed in our letter to the State Historic Preservation Officer (SHPO) dated May 24, 2012 (enclosure 1), and are restated in this letter. Please note that all enclosed documents to this letter are confidential under section 304 of the National Historic Preservation Act (NHPA) and therefore should not be released beyond the recipient of this letter, tribal members, and tribal council. The basis of our determinations was a cultural resources assessment conducted and submitted by ASM Affiliates, Inc. (enclosure 2) and additional analysis of site record forms prepared by PCR Environmental Consultants (enclosure 3) on

Band of Mission Indians (Pala), the Pechanga Band of Luiseño Indians (Pechanga), the San Luis Rey Band of Mission Indians, and the Applicant, all of which have been previously transmitted to your office. In addition to the written correspondence received from the Tribes, we also met with Pala, Pechanga and other groups at meetings and in the field to solicit their views. Based on the above information, we have identified 41 cultural resources sites within the APE.

For sites the Corps has determined would be directly affected by construction and operation of the landfill, we have determined the following to be eligible for the NRHP under criterion D, for their potential to provide information important in history and prehistory include: CA-SDI-745, SDI-14,607 (historic-period Higgins Family Cemetery); SDI-14,610H (historic-period James P. Higgins Homestead); SDI-14,611 (historic-period Maggie Lovell House Site); F. W. Bryant Homestead (historic-period homestead). One site, SDI-19,943 (prehistoric bedrock milling), was not evaluated by the consultant. However, for the purposes of this consultation, we are proposing to assume NRHP eligibility of the site under criterion D.

We have determined the Lucio Dairy (26 historic-period buildings) to be eligible under criteria A and C; and the First San Diego Aqueduct (historic-period feature) to be eligible under criterion A. These two resources will be directly affected.

We have determined Gregory Mountain to be eligible for the NRHP as a Traditional Cultural Property under criteria A and B. We understand this site is very important to the Tribal groups in the region. It would be directly and indirectly affected by construction and operation of the landfill.

Sites that the Corps has determined would be directly affected by construction and operation of the landfill but are not eligible for the NRHP include: CA-SDI-786 (prehistoric isolate), SDI-14,585 (prehistoric seasonal camp; historic-period Thomas Foster Homestead); SDI-14,608 (prehistoric bedrock milling); P-37-016165 (historic-period road); P-37-030856 (prehistoric isolate); P-37-030857 (prehistoric isolate); Welty-Higgins Homestead (historic-period homestead); and the Verboom Dairy (modern-period dairy).

Within the direct APE, but outside the area that would be immediately affected by construction or operation of the landfill (open space), we have determined the following sites to be NRHP eligible under criterion D, for their potential to provide information important in history/prehistory: CA-SDI-683 (prehistoric base camp or seasonal village); SDI-12,585 (prehistoric bedrock milling; historic-period David H. Wright Homestead); and SDI-14,609 (prehistoric rock art and bedrock milling). CA-SDI-744 (including SDI-12,584; prehistoric seasonal camp/probable ceremonial fertility site) is eligible under criterion D. Additional Tribal consultations will occur, and this particular site may be eligible under additional criteria.

Within the indirect APE, we have determined SDI-4356 (prehistoric/ethnohistoric Medicine Rock with rock art) to be NRHP eligible under criteria A, B, C, and D and is considered a Traditional Cultural Property. We understand this site is also very important to the Tribal groups in the region.

We have further determined one site within the indirect APE, P-37-016051 (historic-period Pala Fruit Ranch wall), as not eligible for the NRHP based on a previous study discussed in the report by ASM. The site lacks integrity.

For other resources within the indirect APE, we are proposing an assumption of NRHP eligibility for 18 resources identified by the records search. The reason for this is that the Applicant does not have ownership or control of them, nor would it be prudent to conduct destructive archeological studies for sites that would not otherwise be directly disturbed by construction. The sites we are determining NRHP eligible under this category using criterion D are CA-SDI-773 (prehistoric bedrock milling), SDI-4502 (prehistoric bedrock milling), SDI-4503 (historic-period trash scatter), SDI-4910 (prehistoric bedrock milling and rock wall), SDI-8871 (prehistoric bedrock milling and artifact scatter), SDI-12,208 (historic-period cabin), SDI-12,582 (prehistoric bedrock milling), SDI-12,583 (prehistoric bedrock milling), SDI-13,004 (prehistoric bedrock milling), SDI-13,005 (prehistoric bedrock milling), SDI-13,006 (prehistoric ceramic scatter), SDI-13,007 (prehistoric ceramic scatter; historic-period trash scatter), SDI-13,766 (prehistoric bedrock milling and ceramic scatter; historic-period trash scatter), SDI-13,767 (historic-period trash scatter), SDI-13,768 (prehistoric bedrock milling), SDI-13,769 (prehistoric bedrock milling), SDI-17,759 (prehistoric bedrock milling), P-37-027910 (historic-period residence).

At this time, we would appreciate your comments on the enclosed information and our NRHP eligibility determinations detailed in the above paragraphs of this letter. The Corps has determined that construction and operation of Gregory Canyon Landfill Project would have an adverse effect on properties eligible for listing on the NRHP. Sites detailed above in the direct APE would be damaged or destroyed by grading and other ground disturbing activities. Others not immediately directly affected may at some point in the future be damaged by operations. In addition to direct effects, the construction and operation of the landfill would have visual, auditory, atmospheric, and other indirect effects to Medicine Rock (SDI-4356) and Gregory Mountain. Other sites in the area of indirect effects would not be adversely affected as we have determined them to be eligible under criterion D and, no construction will occur in that area. We have requested concurrence from SHPO on our effect and NRHP eligibility determinations and will keep you informed as our consultation under section 106 of the NHPA continues.

Please respond with your comments within thirty (30) days of your receipt of this letter. If you have any further questions on this project, please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by e-mail at David.S.Dibble@usace.army.mil.

Sincerely,

A handwritten signature in dark ink, appearing to read "David J. Castanon", with a stylized, flowing script.

David J. Castanon
Chief, Regulatory Division

Enclosures

RINCON BAND OF LUISEÑO INDIANS

Culture Committee

Post Office Box 68 - Valley Center, CA 92082 -
(760) 297-2635 or (760) 297-2622 & Fax: (760) 297-2639



August 01, 2012

David J. Castanon
Chief, Regulatory Division
Department of the Army
Los Angeles District
Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90053-2325

Re: Gregory Canyon Landfill Project along the San Luis Rey River, San Diego County, California

Dear David J. Castanon,

This letter is written on behalf of the Rincon Band of Luiseño Indians, a federally recognized Tribe with reservation lands in Valley Center, California. We are the direct and acknowledged descendants of the Luiseno Tribes who have been inhabitants of this region for over 10,000 years. We thank you for inviting us to submit comments regarding the Gregory Canyon Landfill Project, and for the opportunity to present our beliefs, in the effort to protect and preserve our sacred sites and historic properties.

After reviewing the project information, we express the following concerns:

1) Your letter of July 3, 2012 indicated that "we have identified 41 cultural resources sites within the APE" (p. 2), and that "sites detailed above in the direct APE would be damaged or destroyed by grading and other ground disturbing activities" (p. 3). A value cannot be placed on what the identified cultural sites mean to Luiseno history, culture, and identity, and by our own standards, each and every one of the identified sites is irreplaceable. The Gregory Canyon Project will devastate the area, and would ruin culturally sacred areas forever.

2) In your letter of July 3, 2012 to Rincon, cultural resource sites within the Area of Potential Effects were identified. By NRHP standards, Gregory Mountain and Medicine Rock (SDI-4356) are Traditional Cultural Properties, and the other cultural sites identified are also NRHP eligible as indicated. We are of the belief that the identified cultural sites have much greater significance beyond the classifications afforded by NRHP standards, and the sites are much more meaningful than that to Rincon and the Luiseno Bands.

3) We are opposed to the Gregory Canyon Landfill Project as it will desecrate and destroy Luiseno sacred sites. These traditional cultural areas are deserving of protection and preservation. We view protections as needing to extend past the current APEs and be inclusive of all areas encompassing the cultural sites. We recommend that there be no development of these cultural areas altogether, and we also recommend avoidance to preserve the cultural sites.

RINCON BAND OF LUISEÑO INDIANS

Culture Committee

Post Office Box 68 · Valley Center, CA 92082 ·
(760) 297-2635 or (760) 297-2622 & Fax:(760) 297-2639



4) While we are against it, but should development occur, we recommend that archaeological and Native American monitoring be part of all ground disturbance activities relating to the project sites, especially at the locations of the identified cultural sites. Also, we recommend that no curation, analysis, testing, or photographs of discovered remains, cultural items, or artifacts be performed. All discovered objects should not be taken to a lab for analysis. Rincon is against the excavation, unearthing, and salvage of remains, artifacts, and cultural items, and this is a position we share with the other Luiseno Bands.

5) We also have concerns for the adverse impacts to the environment, wildlife, plant life, and human health that would occur, and we oppose the project on these grounds as well.

As a sovereign government, we wish to be proactive and to work for the protection of these traditional and sacred locations now. It is our belief to preserve and protect the significant cultural resources that exist at the various cultural site locations at the Gregory Canyon Landfill Project.

If you have any questions, please contact (760) 297-2635. Thank you for this opportunity to protect our Luiseno cultural assets.

Sincerely,

Rose Duro

Rincon Culture Committee Chair



PECHANGA CULTURAL RESOURCES

Temecula Band of Luiseño Mission Indians

Post Office, Box 2183 • Temecula, CA 92593
Telephone (951) 308-9295 • Fax (951) 506-9491

August 13, 2012

VIA E-MAIL and USPS
(David.S.Dibble@usace.army.mil)

David S. Dibble
Senior Archaeologist
Department of the Army
Los Angeles District, Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90053-2325

Re: Pechanga Tribe Comments on the National Register of Historic Places Eligibility Determinations for the Gregory Mountain Landfill Project

Dear Mr. Dibble:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. We request that these comments be made part of the record for this Project.

The Tribe submits these comments in response to a request dated July 3, 2012 and received in our office July 16, 2012. The letter outlined the Army Corps of Engineers ("Corps") recommendations for eligibility on the 41 recorded sites located within the APE. We understand that there are eight sites located directly within the APE that are eligible for the National Register of Historic Places (NRHP); eight that are located in the direct APE that are ineligible; four sites that are located in the direct APE that are assumed eligible; one site located in the indirect APE that is eligible; one located in the indirect APE that is not eligible; eighteen that are presumed eligible that are located in the indirect APE; and one that is located within both the direct and indirect APEs that is eligible. This totals ten sites that are considered eligible, nine sites considered ineligible and twenty-two assumed eligible. Based upon this information and the attached enclosures provided in the letter, the Pechanga Tribe concurs with the decision made by the Corps.

The Tribe appreciates the thorough and culturally respectful review by the Corps of this extremely sensitive cultural landscape. We request to continue our Section 106 consultation with the Corps as the Project progresses, and specifically on site CA-SDI-744/-12584 as indicated in the letter. Further, we have attached our May 24, 2011 for your reference and the Tribe's

Chairperson:
Germaine Arenas

Vice Chairperson:
Mary Bear Magee

Committee Members:
Eve Gerber
Darlene Miranda
Bridgett Barcello Maxwell
Aurelia Marruffo
Richard B. Searce, III

Director:
Gary DuBois

Coordinator:
Paul Macarro

Cultural Analyst:
Anna Hoover

Pechanga Comment Letter to the ACOE
Re: Pechanga Comments on the Gregory Canyon NRHP Determination
August 13, 2012
Page 2

additional comments regarding this very important area. We request that this letter be accepted as part of our comments on the Corps' proposed eligibility determinations.

The Pechanga Tribe looks forward to continue working together with the Army Corps of Engineers to protect the irreplaceable and sensitive resources on this Project. Please contact Michele Fahley, Deputy General Counsel, at 951-770-6179 or Anna Hoover, Cultural Analyst, at 951-770-8104 once you have had a chance to review these comments so that we can continue consultation. Thank you.

Sincerely,



Anna Hoover
Cultural Analyst

Cc Pechanga Office of the General Counsel
Shasta Gaughen, Pala Environmental Dept.

ATTACHMENT

**Pechanga Comments on the Gregory Canyon APE
May 24, 2011**



PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseno Mission Indians

Post Office, Box 2183 • Temecula, CA 92593
Telephone (951) 308-9295 • Fax (951) 506-9491

May 24, 2011

VIA E-MAIL and USPS

(David.J.Castanon@usace.army.mil)

David J. Castanon, Chief
Department of the Army
Los Angeles District, Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90053-2325

Re: Pechanga Tribe Comments on the Determination of the Gregory Canyon Area of Potential Effects as Required for a Section 404 Permit

Dear Mr. Castanon:

This comment letter is written on behalf of the Pechanga Band of Luiseno Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. . If you have not done so already, please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archeological reports, and all documents pertaining to the Section 404 Permit Review process (the "Project" or "Permit"). Please also directly notify the Tribe of all public hearings and scheduled approvals concerning this Project. We further request that these comments be made part of the Record of Decision for the Permit review.

The Tribe submits these comments in response to the request made by the Army Corps of Engineers ("ACOE") on March 28, 2011. The Tribe has serious concerns regarding the Area of Potential Effects ("APE"), both direct and indirect, and knows that approving and developing this Project will entirely destroy a Luiseno Traditional Cultural Property which further includes the Luiseno Ancestral Origin Landscape ("LAOL"). The Pechanga Tribe has opposed the Gregory Canyon Landfill since its inception because of the certain and irreversible impacts to the LAOL, numerous cultural resources, and multiple potentially devastating environmental issues.

While the Tribe recommends denial of the Section 404 Permit entirely, we understand that you are only currently requesting comments on the proposed Project APE. We have concerns with both the direct and indirect APEs as neither adequately includes the entire physical boundaries of known cultural resources and impacts to other non-renewable resources that will be profoundly affected by the decision to issue a 404 Permit. The Direct APE itself does not incorporate the entirety of the known existing traditional village complex or of Gregory Mountain, also known as Chókla. Likewise, the Indirect APE does not fully encompass such

Chairperson:
Germaine Arenas

Vice Chairperson:
Mary Bear Magee

Committee Members:
Eric Gerber
Darlene Miranda
Bridgett Barcello Maxwell
Aurelia Marruffo
Richard B. Searce, III

Director:
Gary DuBois

Coordinator:
Paul Macarro

Cultural Analyst:
Anna Hoover

impacts as water resources, cultural resources, neighboring communities or impacts by malignant odors. Because this Project will impact the San Luis Rey River, the Indirect APE should be expanded to encompass more of the River and possibly expand out to the Pacific Ocean as the River feeds into the ocean. Any impacts to the River itself will flow out to the ocean as well.

Additionally, there are new residential, commercial and school facilities that are being developed by the County of San Diego just to the west of the current proposed indirect APE. As such, the ACOE must consider the impacts to these communities as part of the Section 404 Permit Review process. Therefore, the Tribe believes that any impacts addressed based upon these proposed boundaries will be faulty and incomplete unless enlarged and revised to include the concerns raised herein.

TRIBAL CONSULTATION REQUIREMENTS

A ARMY CORPS OF ENGINEERS (ACOE) MUST CONSULT WITH THE PECHANGA TRIBE REGARDING THE PROJECT

It has been the intent of the Federal Government¹ and the State of California² that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. The United States has a unique political and legal relationship with Indian tribal governments. In conformance with this unique relationship, the Federal Government recognizes the sovereign status of tribal governments and its obligation to deal with these tribal governments on a government-to-government basis. This was reaffirmed by the last administration in Executive Order 13336 and his Executive Memorandum of September 23, 2004.

The obligation to consult arises when tribal interests are affected by the actions of State and Federal governmental agencies and departments, such as approval of General Plans or EIR/EISs. Therefore, in order to comply with Section 106, and other applicable Federal and California law, it is imperative that ACOE consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the effects, as well as generating sufficient objectives, policies and potential mitigation measures. The Tribe requests to continue consultation throughout the environmental process with the Colonel and ACOE representatives.

B. SECTION 106 CONSULTATION REQUIREMENTS

The requirements of Section 106 of the NHPA, set forth in 36 CFR Part 800, clearly requires consultation with Indian tribes, regardless of the location of the project (36 CFR

¹ See Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments; Executive Order 13175 of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments; and Executive Memorandum of September 23, 2004 on Government-to-Government Relationship with Tribal Governments.

² See California Public Resource Code §5097.9 et seq. and Cal. Govt. Code §§ 65351, 65352, 65352.3 and 65352.4.

800.2(c)). The regulations state that the agency official *shall* ensure that consultation provides an Indian tribe “a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking’s effects on such properties, and participate in the resolution of adverse effects.” *Id.* Further, consultation must occur early in the planning process in order to “identify and discuss relevant preservation issues and resolve concerns about the confidentiality of information on historic properties.” *Id.*

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe has provided this information to the Army Corps on previous occasions; however, we would like to reiterate the information here for the record and to emphasize the importance of this Traditional Cultural Property.

Our songs and oral accounts have transferred history and knowledge through the generations for thousands of years. The origin of the Luiseño people is the single most important account in our culture. Our present-day practices, beliefs and social structure are directly related to our creation. Luiseño history begins with the creation of all things at *‘éxva Teméeku* and the surrounding environs. The name *‘éxva* (EXH-vah) can be translated as a “place of sand” and *Teméeku* (Teh-MEH-koo) means “sun place.” In fact, the place known today as Temecula, derives its etymology from this physical location where the Murrieta and Temecula Creeks converge to form the Santa Margarita River, which flows onto the Pacific Ocean.

Many of our traditional songs specifically mention the *‘éxva Teméeku* area. This is where our Origin Story and ancestral songs say *Túukumit* (TOO-koo-mit, Father Night Sky) and *Tamáayawut* (Ta-MAI-yah-whoot, Mother Day Earth) created the world. The Sun, *Temét* (teh-MET), was a gift brought by *Túukumit* to *Tamáayawut*. When *Túukumit* and *Tamáayawut* became one, their first offspring were earth and sand, which in Luiseño are *‘éxla* (EXH-la) and *‘éxval* (EXH-vol). *‘éxva Teméeku* is therefore in reference to the first offspring of *Túukumit* and *Tamáayawut* (Elliott n.d., 1069). Their children were known as the first people or *Káamalam* (KAH-mah-lam) and were all creatures, including trees, rocks, fog, mammals and birds.

Many traditions and stories are passed from generation to generation by songs. One of the Luiseño songs recounts the travels of the people to Elsinore after a great flood (DuBois 1908). From here, they again spread out to the north, south, east and west. Three songs, called *Monívol*, are songs of the places and landmarks that were destinations of the Luiseño ancestors. They describe the exact route of the Temecula (Pechanga) people and the landmarks made by each to claim title to places in their migrations (DuBois 1908:110).

Our traditions tell us that for thousands of years our Luiseño Ancestors lived in the valley at *Páala* (PAH-lah; meaning water in Luiseño). Bounded by *Tómqav* (TOWM-cauve) to the north and *Yáaraxuna* (YAH-rah-hooh-nah) to the south, the area was a significant cultural hub of activity. Almost every peak, hill, large boulder or gathering location in the valley is described

with Luiseño place names. Place names not only portray the importance of our Luiseño Ancestral Religion but speak about the richness of *Páala* and the vast natural resources there.

This valley is bounded by *Tómqav*. Meaning 'meeting place' and referencing a very large area, *Tómqav* in addition marks the location where our ancestral religious figure-head was poisoned. His name was *Wuyóot* (we-YAUGHT). *Wuyóot* was a combination of Moses and Jesus because he both physically led the people and spiritually nourished the people. He accomplishes this task with knowledge/*ayélkwish* (ah-YELL-kwish) from the Creator. He was the first born human of Earth Mother and Father Sky. He would eventually succumb to the first death of the world and thereby set into motion the way the world is now.

In all religions, there is a yin and yang, a balance between good and evil. To the south of the valley is one of three *Táakwish Poshápila* (TALK-wish po-SSHOP-pea-lah: Táakwish pounding places). *Táakwish* is the embodiment of evil, our culture's devil. He only frequents places where many people are located. Having a *poshápila* near your living area served as an important warning to live a just life or your soul would be taken, your flesh pounded and summarily eaten by *Táakwish*. Today, the identification of a *poshápila* in this area enforces our belief that a large population lived here as there would have been ample food for *Táakwish*.

To the south of the project and at the base of *Chókla* Mountain/*Táakwish* landing place, is *Yáaraxuna*, which means "place where one is shaken." This shaking does not derive from an earthquake but refers to an internal shaking, a spiritual quivering. Our Creation Account tells of a transition-point in *Wuyóot*'s life, when he becomes a teacher to the *Kaamalam*. The story goes: "*Tolmul pi' la' ngorooraxmuk, pi; yaraaraxmuk pi; nomaanga pi' la noqwa'qala.*" Roughly translated, this means: "Afterlife rumbled and quivered in my hands as I ate." The *Kaamalam* were starving and *Wuyóot* used *tóovish* (TOW-vish: white clay) to nourish the people both spiritually and physically. We believe *Yáaraxuna* possibly marks the specific location where the people were first saved with food made by *Wuyóot*. This too is the specific location where the bridge for the proposed landfill project will be placed, which will negatively impact our Ancestor's religion and the Tribe's cultural past and present.

It is believed that living near or a demarking of religious ceremonies at a sacred location gives it a deeper meaning because of the place's religious recollection. Because of the epiphany imparted at the place, this concept is often called 'second sight.' Mt. Sinai, the Wailing Wall, the River Jordan, Golgotha and St. Peter's Basilica are a few examples of places in the Judeo-Christian-world where religion and location combine to make the place more significant. Our Luiseño Ancestors were no different and seemed particularly drawn to live their lives near locations both steeped in the Creation Story and with a plethora of natural resources.

Tóota yixélval (rock art) is also an important element in the determination of Luiseño territorial boundaries. *Tóota yixélval* can consist of petroglyphs (incised) elements, or pictographs (painted) elements. The science of archaeology tells us that places can be described through these elements. Riverside and Northern San Diego Counties are home to red-pigmented

pictograph panels. Archaeologists have adopted the name for these pictograph-versions, as defined by Ken Hedges of the Museum of Man, as the San Luis Rey style. The San Luis Rey style incorporates elements which include chevrons, zig-zags, dot patterns, sunbursts, handprints, net/chain, anthropomorphic (human-like) and zoomorphic (animal-like) designs. Tribal historians and photographs inform us that some design elements are reminiscent of Luiseño ground paintings. A few of these design elements, particularly the flower motifs, the net/chain and zig-zags, were sometimes depicted in Luiseño basket designs and can be observed in remaining baskets and textiles today.

An additional type of *tóota yixélval*, identified by archaeologists also as rock art or petroglyphs, are cupules. Throughout Luiseño territory, there are certain types of large boulders, taking the shape of mushrooms or waves, which contain numerous small pecked and ground indentations, or cupules. Additionally, according to historian Constance DuBois:

When the people scattered from Ekvo Temeko, Temecula, they were very powerful. When they got to a place, they would sing a song to make water come there, and would call that place theirs; or they would scoop out a hollow in a rock with their hands to have that for their mark as a claim upon the land. The different parties of people had their own marks. For instance, Albañas's ancestors had theirs, and Lucario's people had theirs, and their own songs of Munival to tell how they traveled from Temecula, of the spots where they stopped and about the different places they claimed (1908:158).

Within a two mile radius of the project there are two distinct and well known *tóota yixélval*; however, we are aware that there are others within the area. One is located at *Tómqav* and the other at *Yáaraxuna*. Also known as the Medicine Rock, we Luiseño call this *tóota wanáwmawish* (TOW-tah won-OW-mah-wish), or the rock connecting heaven and earth. *Wanáwmawish* describes the Milky Way Galaxy, represented to our Ancestors as a net.

Within the Milky Way 'net' are safely kept the spirits of our departed ancestors—the stars. The large scale of *tóota wanáwmawish* and its painted net indicates to Luiseño People that ceremonies for a large population near *Tómqav* were conducted. This population was kept in check by *Táakwish Poshápila* near *Páala* (and the San Luis Rey River), which also indicates the potential for many burial locations, both of the *Kaamalam* and of humans. We know that where the People lived, they also died.

It is our belief that any project in this area will impact the religious and sacred areas of our Ancestors, which include burials. To us, the known archaeological records, ethnographic accounts, Luiseño Place Names and our oral traditions coalesce here to describe the importance of this place to us and to others in our modern time. These examples illustrate a direct correlation between the oral tradition and the physical place; proving the importance of songs and stories as a valid source of information outside of the published anthropological data.

The Tribe has further specific information that is too sensitive to release in general public comments and would welcome the opportunity to meet with the ACOE, and any other agency involved, to further explain and provide documentation concerning specific cultural significance for this Project.

PROJECT IMPACTS TO CULTURAL RESOURCES AND THE PROJECT APE

Gregory Mountain and its surrounding environs embody what archaeologists call Traditional Cultural Properties or TCP's. National Register Bulletin 38 defines a TCP as: "...one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community." Gregory Canyon, Gregory Mountain, the San Luis Rey River and other bodies of water, and the surrounding landscape are essential to Luiseño traditional customs and beliefs that continue to this day.

This TCP encompasses within its boundaries a large Village Complex that contains all aspects of aboriginal life including the secular, such as tool production and food preparation as well as the spiritual and ceremonial. Habitation sites and Village Complexes are of utmost importance to the Tribe because they are the last physical remains of where the ancestors lived. They contain information and data that are reflective of every aspect of tribal culture. It is well known that native village and habitation complexes enveloped large areas of land, sometimes several square miles. The Tribe believes that any impacts and/or destruction to this area are a great irreparable loss to tribal culture and scientific knowledge.

We believe that this Project will desecrate Gregory Mountain, Gregory Canyon and the surrounding Village Complex, and what it represents to the Luiseño people. Implementation of the landfill will impact not only sacred sites but the air, water, plant and animal resources in the area. The planning process supposes that tribes are only concerned about the tangible remains of their ancestors such as bedrock milling features, *tóota yixélval*, etc. However, our concerns also focus upon the impacts to natural resources, the 'sense of place,' continuing tribal traditions and the spirituality of a location, all of which is a part of the cultural landscape as a whole and make this area a TCP. Our ancestors were a part of the larger environment and as such, all parts of that landscape are important.

While the Tribe recommends denial of the Section 404 Permit based upon the extreme negative impacts this Project will have on the environment and to cultural resources, we understand that you are requesting comments on the proposed Project APE as required by Federal law. In regards to the Direct APE, the Tribe believes that it does not incorporate the entirety of the known village or of Gregory Mountain, also known as Chókla. It also does not incorporate the entire existing aqueduct easement. The Tribe believes that if these resources are

not fully encompassed in the Direct APE, they will be analyzed differently and potentially presumed to be less significant thus failing to adequately assess impacts to them.

The Indirect APE also is too limited. It does not fully encompass potential impacts to water resources, cultural resources, neighboring communities or impacts by malignant odors. Because this Project will impact the San Luis Rey River, the Indirect APE should be expanded to encompass more of the River and possibly the ocean. The Tribe has argued previously that there has been no research conducted on the proposed liner for this landfill. We do not know that this liner will actually be an acceptable barrier between the one million tons of trash that will be dumped in Gregory Canyon every year for the next 30 years and the precious groundwater below the waste. In fact, testimony during the February 23, 2011 hearing on the solid waste permit indicated that *every* liner leaks. Therefore, this is not a question of whether, but rather a question of *when*. No mitigation efforts can stop a leak in the liner and the devastating impacts to vital drinking water sources for many residents.

As we have already stated, the impacts of this Project to the TCP in this area are irreparable. Recent development in the area has provided the Tribe with new information that proves this village area extended at least as far west as Interstate 15. We further know that over 30 Luiseño place names exist within a three mile radius of the proposed Project, which demonstrates that this was one of the most densely populated areas within Luiseño territory. Additionally, there are new residential, commercial and school facilities that are being developed by the County of San Diego just to the west of the current proposed indirect APE and the impacts to these communities need also to be analyzed. Gregory Canyon Landfill will impact these communities through increased traffic, reduction of air and water quality as well as increasing the potential for sickness and disease by airborne pathogens and odors released from the nearby decomposing waste. These communities will already be impacted by the nearby aggregate quarry – which coincidentally was approved on another sacred Luiseño mountain, and, if this Project is approved, will be further impacted by a landfill. One additional concern is that access to the property has been denied to the Pala Band several times. The Pechanga Band is concerned that there may be additional cultural resources located within and in the vicinity of the proposed Project that have not been recorded because our representatives have not had the opportunity to view the site. Due to this limited access, the Tribe recommends that the direct APE be enlarged to incorporate these potentially unknown and unrecorded resources.

The Tribe suggests that the ACOE must substantially widen both the Direct and Indirect APE in order to address the much larger impacts presented by this Section 404 Permit application. If the ACOE's environmental analysis proceeds based upon these currently proposed boundaries, it will be inaccurate and incomplete.

REQUESTED TRIBAL INVOLVEMENT AND MITIGATION

The Tribe's urgent and primary concerns stem from the Project's proposed impacts to sacred and secular Native American cultural resources. We are highly concerned about both the

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty: Trusted Unto Our Care And With Honor We Rise To The Need

Pechanga Comment Letter to the ACOE
Re: Pechanga Tribe Comments on the Proposed Gregory Canyon APE
May 24, 2011
Page 8

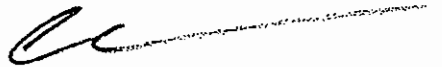
protection of these unique and irreplaceable cultural resources, including the Luiseno Ancestral Origin Landscape, a Luiseño Village Complex, tangible and intangible sacred sites and archaeological items which would be impacted and displaced by ground disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work.

The Tribe requests to be involved and participate with the ACOE in assuring that an adequate environmental assessment is completed, and in developing all monitoring and mitigation plans and measures for the duration of the Project if it were to move forward. The Tribe commits to continue working with the ACOE, other Luiseño tribes and implementing agencies to adequately address the sacred resources that may be destroyed and to provide further information that may be of assistance. We will be happy to meet with the ACOE to provide our suggested APE revisions and additional confidential cultural resources information. We further maintain our opposition to the Gregory Canyon Landfill and will continue our efforts to ensure it does not move forward.

Finally, the Pechanga Tribe believes that the potential for human remains to be discovered in this area is high. In our experience, the Project area contains numerous indicators that increase the likelihood that human burials and cremations may have occurred in this area and the Tribe has new information that there are human remains in the Village Complex. In fact, human remains were located in January 2001 only two miles from the proposed landfill. The Project has the potential to disturb further human remains and in addition to the considerations above, both federal and state law provide for substantial protections in the event remains are disturbed. We ask that the ACOE consider this impact in addition to the other impacts identified herein.

The Pechanga Tribe looks forward to working together with the Army Corps of Engineers in protecting the invaluable Luiseño cultural resources found in the Project area. Please contact Michele Fahley, Deputy General Counsel, at 951-770-6179 or Anna Hoover, Cultural Analyst, at 951-770-8104 once you have had a chance to review these comments so that we might address the issues at hand and schedule additional consultation. Thank you.

Sincerely,



Anna Hoover
Cultural Analyst

Cc Pechanga Office of the General Counsel
Stephen Dibble, Senior Archaeologist, USACE
Shanti Shantulli, Project Manager, Southwest Branch

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Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
760-891-3510 Office | 760-742-3189 Fax



August 30, 2012

David J. Castanon
Chief, Regulatory Division
Department of the Army
Los Angeles District, Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90053-2325

Re: Inventory and determinations of National Register of Historic Places Eligibility, Gregory Canyon Landfill Project (Corps File No. SPL-2010-00354-WHM)

Dear Mr. Castanon,

The Pala Band of Mission Indians (Pala Band) is in receipt of your letter dated July 3, 2012, outlining the Army Corps of Engineers (Corps) determinations of National Register of Historic Places (NRHP) eligibility for identified cultural and historic resources within the Area of Potential Effect (APE) for the Gregory Canyon Landfill Project. This letter constitutes our response and continuation of tribal consultation as outlined in Section 106 of the National Historic Preservation Act (NHPA).

Your inventory and determinations of NRHP eligibility include the identification of 41 cultural resources sites within the APE, seven of which are eligible for the NRHP, are within the direct APE, and would be directly affected by construction and operation of the landfill; four of which are eligible and are within the direct APE but would not be immediately affected by construction or operation of the landfill; and one site that is eligible within the indirect APE. Further, you have identified and assumed NRHP eligibility for 18 resources within the indirect APE that are not under the direct control and ownership of the project applicant.

We are pleased with the breadth and scope of the review that was undertaken to determine NRHP eligibility, and agree with your determinations. However, we continue to believe that the project APE should be expanded to include the eastern flank of Gregory Mountain, and that the direct APE should include the area surrounding CA-SDI-4356, Medicine Rock. Please see our attached letter of May 13, 2011, for our response to the APE determination. Further, we continue to believe that the significance of the entire area, not just the individual sites within it, needs to be considered as a whole. Please see our attached letter of September 15, 2011, for our comments on this issue.

Once the California SHPO has responded to your eligibility determinations, we understand that a notification of adverse effects will be reported to the Advisory Council on Historic Preservation (ACHP). We welcome the ACHP's participation in the consultation process. CFR 800.6 on the resolution of adverse effects includes avoidance as a mitigation strategy. We would like to stress

to both the Corps and the ACHP that avoidance is the only mitigation strategy that is acceptable to us for any of the sites deemed eligible within the entire APE. In particular, effects to Medicine Rock and to the Gregory Mountain Traditional Cultural Property (TCP) must be avoided.

As the consultation process continues we would be particularly interested in discussing an expansion of the eligibility of CA-SDI-744 and CA-SDI-745 as well as some of the other sites within the APE. We feel that more ethnographic consultation with members of the Pala community, as well as other Luiseno bands, is vital to provide a fuller picture of the significance of these sites.

It is abundantly clear to us that from a cultural and historic standpoint, the Gregory Canyon Landfill Project is not in the public interest. This is true from both the tribal and general public perspectives, and for cultural, historic, and environmental reasons. The sacredness of Gregory Mountain, the existence of multiple tribal cultural sites, and the presence of sites that are significant in the history of San Diego County make the entire APE too important to destroy. We hope that you consider the destructive impact of the landfill and the loss of these resources as unmitigable damage to the public interest.

Thank you for the opportunity to comment on your determinations. We look forward to continuing the consultation process. Please feel free to contact me directly with any comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shasta C. Gaughen', with a stylized, flowing script.

Shasta C. Gaughen, PhD
Tribal Historic Preservation Officer

CC: D. Stephen Dibble, ACOE, Senior Archaeologist
William Miller, ACOE, Project Manager
Shanti A. Santulli, ACOE, Project Manager



Ph: (760) 891-3500
Fax: (760) 742-1411

PALA BAND OF MISSION INDIANS

35008 Pala Temecula Rd. PMB 50
Pala, CA 92059

May 13, 2011

David J. Castanon, Chief
Department of the Army
Los Angeles District, Corps of Engineers
PO Box 532711
Los Angeles, CA 90053-2325

By Electronic Mail:
David.J.Castanon@usace.army.mil

RE: File No. SPL-2010-00354-SDM, Response to Request for Consultation Pursuant to
Section 106 of the National Historic Preservation Act, Area of Potential Effect,
Gregory Canyon Landfill Project

Dear Mr. Castanon:

Please accept this letter on behalf of Chairman Robert Smith of the Pala Band of Mission Indians (PBMI). We wish to comment on your proposed Areas of Potential Effect (APE), both direct and indirect, for the Gregory Canyon Landfill Project (GCL).

As you are aware, PBMI opposes GCL as currently proposed. The effects of the landfill, both direct and indirect, on cultural resources and the spiritual and religious practices of the tribe are significant and unmitigable. Let me be very clear, from the outset, that there is NO MITIGATION PBMI CAN OR WILL ACCEPT FOR THIS PROJECT OTHER THAN TOTAL AVOIDANCE. With this being stated, we do wish to expand upon the boundaries you have proposed for both the direct and indirect APE.

The direct APE that you propose does not include all of the areas that will be directly affected by the landfill project. By stopping the boundary at the crest of Gregory Mountain, the direct APE fails to take into account the direct impact of garbage being disposed on the western slopes of a mountain that is sacred to all Luiseño and Cupeño people. Solid waste disposal on any part of the mountain directly affects the whole mountain. The boundary of GCL's property is not an appropriate boundary for the direct APE. Withholding the eastern slopes of the

mountain from the direct APE is equivalent to proposing that garbage against one church wall does not affect the rest of the church.

The direct APE should also include the northeastern portion of the landfill property, up to the north banks of the San Luis Rey River and including the area encompassing Medicine Rock (see enclosed map for our boundaries). The river itself is part of the sacred cultural landscape, and Medicine Rock is located within a few hundred yards of the landfill footprint. This area will be directly affected by the sight, sound, and smell of the proposed landfill. The direct impact on those who visit Medicine Rock for prayer and spiritual guidance is extremely significant and must be considered.

The indirect APE is also insufficient to take into account all the impacts of this project. Every resident of the Pala Reservation will be affected. The people of Pala have a spiritual and sacred connection to Gregory Mountain, which they call Chokla. They have lived in its shadow for millennia. Gregory Mountain is the most imposing feature on the landscape, and its presence is a continuous reminder of the religious and cultural beliefs of the Luiseño and Cupeño people. People look to the mountain for Takwic, who keeps a home there and maintains balance between the living and spiritual worlds. It is important to note that Takwic inspires great respect among Luiseño people, as he is a gatherer of souls. Tribal members at Pala have expressed their fear of Takwic's wrath if the landfill is allowed to happen.

If the landfill were built, every time the people of Pala looked at Gregory Mountain, they would be reminded of the terrible desecration taking place on the mountain's western side and be living in fear of his retribution, not just on them, but on all mankind. Simply looking at the mountain with this knowledge will impact the people emotionally, culturally, and spiritually. Moreover, even if the landfill is out of sight, the sounds and smells will be a continuous reminder of the desecration occurring on what is also called Takwic Puki in Luiseño – Takwic's House. Therefore, the indirect APE needs to be expanded to include all the areas from which any part of Gregory Mountain is visible, even if the landfill footprint itself cannot be seen (see enclosed map for our boundaries). Furthermore, archaeological record searches and foot surveys are not sufficient to gauge the impact of the landfill on the indirect APE. Ethnographic study also must be done to document the effects on the people.

We understand that this request for consultation is only one of many opportunities we will have to engage in the Section 106 process. For that reason, we are limiting our comments at this time to the direct and indirect APEs. We are happy to provide any further information you might need. Let me close by stating, again, that there is no acceptable mitigation for the

potential effects we have described in this letter other than total avoidance. Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Shasta C. Gaughen", with a long horizontal flourish extending to the right.

Shasta C. Gaughen, MA
Tribal Historic Preservation Officer
Pala Band of Mission Indians

Enclosure: Boundary Map

CC: Robert Smith, Chairman, Pala Band of Mission Indians
Stephen Dibble, Senior Archaeologist, USACE



Area of Potential Effects

Legend: Project Component

**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

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September 15, 2011

David J. Castanon
Chief, Regulatory Division
Department of the Army
Los Angeles District, Corps of Engineers
PO Box 532711
Los Angeles, CA 90053-2325

RE: Gregory Canyon Landfill Project, File No. SPL-2010-00354-SDM
Cultural Resources of Importance within the Project APE

Dear Mr. Castanon,

On behalf of the Pala Band of Mission Indians ("Band"), I am writing this letter to make your office aware of the multiple sensitive and important cultural resources that exist within the proposed project APE for the Gregory Canyon Landfill Project ("Project").

As you are already aware, the Band considers the entire project area to encroach upon lands that the Band considers sacred and of overwhelming cultural, spiritual and religious importance. While I am aware that archaeological records searches and surveys are designed to find physical evidence of cultural importance, I want to begin this letter by explaining why sacred lands do not always show physical evidence of their significance. Tribal cultural and religious practices are based on a unique relationship with the land. Just as an individual's prayer does not leave physical evidence, so it is that there may not be physical evidence to indicate that certain lands are sacred to a tribe. Therefore, the Area of Potential Effect ("APE") for this project includes lands of a sacred nature that nevertheless do not contain any archaeological evidence for that designation. It is vitally important to understand that there is a significant difference between tribal ways of knowing and defining the world and the scientific, objectivist viewpoint of the archaeologist. Further, tribes are generally very reluctant to reveal information about sacred sites, and only when backed into a corner by the threat of desecration will they hesitantly come forward with the information necessary to protect sites of significance (such as the Gregory Canyon site).

Another important aspect that must be considered is the overall interconnectedness of cultural landscapes. A traditional cultural property ("TCP"), according to the National Park Service, "can be defined generally as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community" (National Register Bulletin, Guidelines for Evaluating Traditional Cultural Properties). Without a doubt, Gregory Mountain and the areas surrounding it within the project APE can be considered a TCP.

Although sacredness does not always manifest itself physically within a landscape, there is often still physical and archaeological evidence of use and occupation by tribes. Such is the case with the Gregory Canyon Landfill APE. There are multiple recorded archaeological sites within the APE, all of which have already been shared with your office, and which are also available through a records search at the South Coastal Information Center in San Diego. Although none of the sites within the APE have been determined to be eligible for inclusion in the National Register, their very existence testifies to the use of Gregory Mountain, Gregory Canyon, Medicine Rock, and the areas surrounding the project APE. All of these sites are significant to the Band, regardless of their eligibility for National Register listing. The existence of these archaeological sites, together with the ethnographic evidence of the land's use and the oral history and continuing modern use of the area combine to render the conclusion that the entire project APE is a sensitive cultural resource.

It would be misleading for me to provide your office with a listing of specific sites that we find to be of particular significance within the project APE when the Band considers the entire site to be of religious, spiritual, sacred, and cultural significance. Ethnographically, when the area surrounding and including Gregory Mountain and Medicine Rock was used for coming of age rituals, an interconnected web of sites and ceremonies was used to tie the entire Band and its neighbors together as a larger community. When the people today look to Gregory Mountain, they see the resting place of the spirit Takwic, and turn from him in respect and fear if they see his form streaking from the mountain in pursuit of souls. When members of the Luiseno community visit the mountain and the rock, in search of healing, prayer, and contemplation, they are not just visiting one physical location; they are communing with the entire mountain, base to peak. Therefore, when you ask for a listing of cultural resources of importance within the APE, only one answer can be provided: the entire APE is a resource of importance.

As I have stated in previous letters, there is no mitigation for this project that we will accept save one: the complete avoidance of the entire project APE.

Please feel free to contact me by phone at 760-891-3515 or by e-mail at sgaughen@palatribe.com if you have any questions or concerns. Thank you for the opportunity to comment.

Sincerely,



Shasta C. Gaughen, PhD
Pala Tribal Historic Preservation Officer

Cc: Col. Mark Toy, Los Angeles District Commander
Steve Dibble, Archaeologist
Bill Miller, Project Manager
Shanti Abichandani Santulli, Project Manager

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August 31, 2012

Mr. David J. Castanon
Chief, Regulatory Division
Department of the Army
Los Angeles District, Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90053-2325

VIA EMAIL

David.J.Castanon@usace.army.mil

**RE: TRIBAL COMMENTS REGARDING THE CORPS OF ENGINEERS'
INVENTORY AND DETERMINATIONS OF NATIONAL REGISTER OF
HISTORIC PLACES ELIGIBILITY AND EFFECT FOR ALL
IDENTIFIED RESOURCES WITHIN THE AREA OF POTENTIAL
EFFECTS FOR THE GREGORY CANYON LANDFILL PROJECT
(CORPS FILE NO. SPL-2010-00354-WHM)**

Dear Mr. Castanon:

We, the San Luis Rey Band of Mission Indians ("SLR or Tribe"), have received and reviewed your letter dated July 3, 2012. In that letter, the Army Corps of Engineers ("Corps") provided to SLR an inventory of places, cultural and historic, that would be considered by the Corps to be within either the direct or indirect areas of potential effect ("APE") for the Gregory Canyon Landfill Project ("Project"). The July 3, 2012 letter also stated the determinations made by the Corps regarding whether those places and/or locations were eligible pursuant to the criteria of the National Register of Historic Places ("NRHP"). Additionally, the Tribe is in receipt of the Corps letter to the California State Historic Preservation Officer ("SHPO") on May 24, 2012 which provided the Corps analysis and findings for the proposed determinations. It is unclear whether the SHPO has concurred with the Corps in its determinations of eligibility; nevertheless the Tribe is prepared to provide our comments to the Corps regarding the inventory and determinations of NRHP eligibility.

After the review of the Corps inventory and eligibility determinations, SLR is appreciative for the Corps level of attention provided to our sacred resources. The Tribe concurs with the Corps that Gregory Mountain or Chokla is eligible for the NRHP as a Traditional Cultural Property under Criteria A and B and that this sacred place would be both directly and indirectly adversely impacted by the construction and operation activities associated with the Project.

Comment Letter to the U.S. Army Corps Regarding NRHP Eligibility Determinations

Gregory Canyon Landfill Project

(CORPS. File No. SPL-2010-00354-WHM)

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For the most part, SLR agrees with the Corps assessment as to which cultural resources and/or sacred sites would be directly affected and indirectly affected by the Project; however, we strongly believe that Medicine Rock, also known as CA-SDI-4356, should be included within the direct APE. We are in agreement with our fellow Bands of the Luiseño Nation that the Project's APE needs to include the eastern flank of Gregory Mountain or Chokla. The long term adverse impacts that will be caused by the Project demand that the resources within the eastern flank of the mountain, specifically Medicine Rock, be included as part of the direct APE, and not simply included as part of the indirect APE. The Tribe is gravely concerned that our sacred resources have been evaluated as islands onto themselves, and not considered as a whole. Medicine Rock is a Traditional Cultural Property, as are all the sites within and surrounding it, and needs to be recognized and protected as such.

The Luiseño people have suffered and continue to suffer from development activities upon our sacred sites and Traditional Cultural Properties. The impacts felt by the annihilation of our sacred places must be considered and weighed. It is undeniable that with the destruction of our sacred burial ground at CA-SDI-682, or Tomkav, that our people have suffered greatly. We support the Corps determination that our sacred sites should be protected by the NRHP, but we also firmly believe that avoidance of all of our cultural resources and sacred sites is the only reasonable solution. Our sacred sites must "collectively" be avoided from any adverse impact, direct or indirect, not only because of the great importance these places represent to us as a people both spiritually and culturally, but due to the fact that we, as a people, have had to suffer from the adverse effects in the granting of the 404 permit for Horse Ranch Creek Road (Corps File No. SPL-2009-00231-MLM).

In summary, SLR assents to the Corps determination of the direct APE cultural resources and sacred sites and their NRHP eligibility. SLR also accepts the Corps determination of the indirect APE cultural resources and sacred sites NRHP eligibility. SLR does not, however, agree that Medicine Rock and the other cultural resources within close proximity to Medicine Rock on the eastern flank of Gregory Mountain or Chokla should be included within the indirect APE. Rather, Medicine Rock and the other cultural resources within close proximity to Medicine Rock on the eastern flank of Medicine Rock should be included within the direct APE. The adverse impact to all of our cultural resources and sacred sites are clear and undeniable. The area is one large Traditional Cultural Property and should be protected and preserved accordingly.

The San Luis Rey Band of Mission Indians is thankful for the opportunity to provide our comments on the inventory and APE designation of our cultural resources and sacred sites and their respective NRHP eligibilities for this Project. If I can be of further assistance, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Merri Lopez-Keifer". The signature is fluid and cursive, with the first name "Merri" being more prominent.

Merri Lopez-Keifer
Tribal Counsel

*Comment Letter to the U.S. Army Corps Regarding NRHP Eligibility Determinations
Gregory Canyon Landfill Project
(CORPS. File No. SPL-2010-00354-WHM)*

cc: Mel Vernon, SLR Captain
Carmen Mojado, SLR Secretary of Government Relations
D. Steven Dibble, ACOE, Senior Archaeologist
William Miller, ACOE, Project Manager
Shanti A. Santuilli, ACOE, Project Manager

